STATUTES OF CALIFORNIA

REGULAR SESSION

1963

Began Monday, January 7, 1963, and Adjourned
Friday, June 21, 1963

STATUTES OF CALIFORNIA

PASSED AT THE 1963 REGULAR SESSION OF THE LEGISLATURE

CHAPTER 1

An act to amend Sections 26 and 27 of the Orange County Water District Act (Chapter 924, Statutes of 1933), relating to the Orange County Water District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor Jan 30, 1963. Filed with Secretary of State Jan. 30, 1963]

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

SECTION 1. Section 26 of the Orange County Water District Act (Chapter 924, Statutes of 1933) is amended to read:

Sec. 26. On the second Wednesday in February of each year, the engineering investigation and report shall be delivered to the secretary of said district in writing. Said secretary shall publish pursuant to Section 6061 of the Government Code a notice of the receipt of such report and of the public hearing to be held on the second Wednesday of March in a newspaper of general circulation, printed and published within said district, at least 10 days prior to the date at which the public hearing regarding ground water conditions shall be held. Said notice, among other information which the district may provide therein, shall contain an invitation to all operators of water-producing facilities within said district to call at the offices of said district to examine said engineering investigation and report.

There shall be held, by the board of directors, on the second Wednesday of March of each year, at the district offices a public hearing at which time any operator of a water-producing facility within said district or any person interested in the condition of the ground water supplies of said district may in person or by representative appear and submit evidence concerning the ground water conditions of said district. Appearances, also, may be made supporting or protesting said written engineering investigation and report. Said board of directors shall, before the levy of the replenishment assessments, find and determine the average annual overdraft for the immediate past 10 water years; the estimated annual overdraft for the current water year; the estimated annual

overdraft for the ensuing water year; the accumulated overdraft as of the last day of the preceding water year; the estimated accumulated overdraft as of the last day of the current water year; the amount of water which should be purchased for the replenishment of the ground water supplies of said district for the ensuing water year, and the sum of money necessary therefor.

Such finding and determination by said board shall be conclusive and binding upon all persons and parties.

SEC. 2. Section 27 of said act is amended to read:

Sec. 27. If the board of directors finds and determines that an overdraft, either annual or accumulated, does exist, then said board may levy and assess a charge or replenishment assessment against all persons operating water-producing facilities and producing water during the ensuing water year, which assessment or charge shall be computed and fixed at a uniform rate per acre-foot of such water production.

The total of the replenishment assessment levied in any year shall not exceed an amount of money found to be necessary to purchase sufficient water to replenish the average annual overdraft for the immediate past 10 water years plus an additional amount of water sufficient to eliminate over a period of not less than 10 years nor more than 20 years, the accumulated overdraft; provided, further, that the replenishment assessment in any year as computed and fixed at a uniform rate per acre-foot of water produced shall not exceed five dollars and fifty cents ($5.50) per acre-foot of water produced except upon the vote of eight directors of said district.

On the second Wednesday in April of each year at the hour of 2 p.m. at the offices of said district, the board of directors shall hold a public hearing for the purpose of determining the need and desirability of levying a replenishment assessment and fixing the rate thereof. In computing and fixing the replenishment assessment rate, there shall be allowed such percent, not to exceed 10 percent, as shall be determined by the board of directors of the district for delinquencies. Notice of such hearing shall be published in the district pursuant to Section 6061 of the Government Code, at least 10 days prior to the date set for said hearing.

Any replenishment assessment levied by this section shall be in addition to any general assessment levied by said district.

Clerical errors occurring or appearing in the name of any person or in the description of the water-producing facility where the production of water therefrom is otherwise properly assessed, or in the making or extension of any assessment upon the records, which do not affect the substantial rights of the assessee or assessees, shall not invalidate the assessment.

SEC. 3. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety

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

It is highly desirable that the amendments made by this act become effective in time to permit the levy of replenishment assessments in and for 1963 in accordance with such amendments, so that the maximum benefit from the changes made by such amendments may be obtained at the earliest possible date.

CHAPTER 2

An act authorizing the Director of Agriculture to adopt emergency regulations relating to lettuce, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 13, 1963. Filed with Secretary of State February 13, 1963.]

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

SECTION 1. During the period commencing with the effective date of this act and ending March 15, 1963, the Director of Agriculture may modify by rule or regulation the arrangement and the counts of heads of lettuce established in Section 814 of the Agricultural Code, as he finds is necessary to permit the proper marketing of lettuce otherwise not practical due to freezing damage to the lettuce or the effect of the cold temperature on its growth.

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

That the recent freezing temperatures in the lettuce-growing areas of this State will require unusual trimming of mature heads of lettuce which will result in smaller sizes for otherwise marketable heads of lettuce and the prolonged cold temperatures will result in the lettuce maturing at a smaller size than normally and therefore emergency standards for arrangements and counts of heads in containers must take effect as soon as possible to avoid loss of this valuable food commodity.

CHAPTER 3

An act to add Sections 1403.1, 1403.2, 1403.3 and 1403.4 to the Education Code, relating to junior college districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 18, 1963 Filed with Secretary of State February 18, 1963.]

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

SECTION 1. Section 1403.1 is added to the Education Code, to read:

1403.1. Notwithstanding any provision of law to the contrary, if upon the establishment of trustee areas in a junior college district it appears that one or more trustee areas in the district will not be represented in the membership of the governing board during the next succeeding school year, the county superintendent of schools having jurisdiction shall within 30 days after the election establishing trustee areas or within 30 days after the effective date of this section, whichever is the later, call and set the date of an election for the purpose of electing to the membership of the governing board the allotted number of representatives for each respective trustee area in the district. The election shall be called, held and conducted as are elections for members of governing boards of elementary school districts.

The terms of this section shall expire 91 days after the adjournment of the 1963 General Session.

SEC. 2. Section 1403.2 is added to said code, to read:

1403.2. In the event an election is called as provided in Section 1403.1, the county superintendent of schools having jurisdiction shall, as to each trustee area having more than its allotted number of representatives in the membership of the governing board for the next succeeding school year, determine by lot which of said representatives shall relinquish their offices either immediately upon the election and qualification of the governing board members who are elected as provided in Section 1403.1, or on the first day of July next succeeding the election establishing trustee areas in the district, whichever is the later.

SEC. 3. Section 1403.3 is added to said code, to read:

1403.3. The terms of office of the governing board members who are elected pursuant to Section 1403.1 shall be determined by lot at the first meeting of the full membership of the board. If the board is composed of five members, the terms of office of the members elected pursuant to Section 1403.1 shall be fixed so that the entire board is composed of two members whose terms expire on June 30 of the next succeeding odd-numbered year following the establishment of trustee areas in the district and three members whose terms expire on June 30 of the second succeeding odd-numbered year following the

establishment of trustee areas in the district. If the board is composed of seven members, the terms of office of the board members elected pursuant to Section 1403.1 shall be fixed so that the entire board is composed of three members whose terms expire on June 30 of the next succeeding odd-numbered year following the establishment of trustee areas in the district and four members whose terms expire on June 30 of the second succeeding odd-numbered year following the establishment of trustee areas in the district.

SEC. 4. Section 1403.4 is added to said code, to read:

1403.4. Any election called pursuant to Section 1403.1 may be consolidated with an election held to elect members of the governing board of a school district. Notwithstanding the provisions of Section 942, if the elections are consolidated, the notice of election required in Section 942 need be posted for only 30 days and publication of the notice need not be completed until 10 days before the election.

SEC. 5. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

This act provides for the election of persons to represent newly established trustee areas in junior college districts. In order that such trustee areas may receive the representation to which they are entitled, at the earliest possible time, it is essential that this act go into effect immediately.

CHAPTER 4

An act to amend Section 35790 of the Vehicle Code, relating to permits to tow overwidth trailer coaches, declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 26, 1963. Filed with Secretary of State February 27, 1963.]

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

SECTION 1. Section 35790 of the Vehicle Code is amended to read:

35790. (a) The Department of Public Works or local authorities with respect to highways under their respective jurisdictions may upon application in writing and if good cause appears issue a special or annual permit in writing authorizing the applicant to move any trailer coach in excess of the maximum width but not exceeding 10 feet in width, exclusive of lights and devices provided for in Sections 35112, 35109, and 35110, upon any highway under the jurisdiction of the party granting such permit.

(b) A public agency in the exercise of its discretion in granting permits for the movement of overwidth trailer coaches, and in considering the individual circumstances of each case, may use merchandising or relocation of residence as a basis for movement for good cause.

(c) The application for a special permit shall specifically describe the trailer coach to be moved and the particular highways over which the permit to operate is requested, and whether the permit is requested for a single trip or for continuous operation.

The application for an annual permit shall specifically describe the power unit to be used to tow the overwidth trailers and the particular highways over which the permit to operate is requested. The annual permit shall be subject to all of the conditions of this section and any additional conditions imposed by the public agency.

(d) The Department of Public Works or local authority is authorized to establish seasonal or other time limitations within which a trailer coach may be moved on the highways indicated, and may require an undertaking or other security as may be deemed necessary to protect the highways and bridges from injury or to provide indemnity for any injury resulting from the operation.

(e) Permits for the movement of trailer coaches as provided for in this section may not be issued except to licensed manufacturers, dealers and transporters and only under the following conditions:

1. The power unit used to tow overwidth trailers having a gross weight of 18,000 pounds or less must be a three-quarter-ton truck or tractor, or a truck or tractor of greater power, equipped with dual wheels. The power unit used to tow an overwidth trailer having a gross weight of more than 18,000 pounds must be a ton-and-one-half truck or tractor or truck or tractor of greater power, equipped with dual wheels.

2. The trailer coach for which the permit is issued shall comply with the provisions of Sections 35550 and 35551 of this code.

3. A permit which has been issued for the movement of any trailer coach shall not be valid between sunset and sunrise of the following day, nor between sunset on Friday to sunrise on Monday following, nor on any days declared to be legal holidays by the State.

(f) The Department of Public Works or local authority shall have the authority to establish additional reasonable permit regulations as they may deem necessary in the interest of public safety, which regulations shall be consistent with this section.

(g) Every permit shall be carried in the trailer coach or power unit to which it refers and shall be open to inspection of any peace officer or traffic officer, any authorized agent of the Department of Public Works or any other officer or employee charged with the care and protection of the highways.

(h) It is a misdemeanor for any person to violate any of the terms or conditions of any such permit.

(i) To the extent that the application of this section to highways which are a part of the National System of Interstate and Defense Highways (as referred to in subdivision (a) of Section 108 of the Federal-aid Highway Act of 1956) would cause this State to be deprived of any federal funds for highway purposes, this section to such extent shall not be applicable to highways which are a part of such system.

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

In 1961, provisions contained in Section 35790 of the Vehicle Code authorizing the issuance of annual permits for the movement of overwidth trailer coaches were inadvertently omitted from legislation which amended said section in other respects. Also, the law at the present time limits the issuance of permits for the movement of overwidth trailer coaches to trailer coaches having a gross weight not in excess of 18,000 pounds. In view of the increased size and weight of many of the new trailer coaches, this overall weight limitation is no longer realistic. The amendments to Section 35790 of the Vehicle Code made by this bill are urgently needed for the economical, orderly, and equitable administration of the laws relating to movement of overwidth trailer coaches, and it is therefore necessary that this act go into immediate effect.

CHAPTER 5

An act to amend Section 20004 of the Education Code, relating to the Junior College Tax Relief Act, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 5, 1963. Filed with Secretary of State March 5, 1963.]

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

SECTION 1. Section 20004 of the Education Code is amended to read:

20004. A junior college district eligible for a tax relief grant may file with the State Department of Education one or more applications for a grant within 19 months after the effective date of this chapter. The form of the application shall be prescribed by the Superintendent of Public Instruction. The Superintendent of Public Instruction shall examine and approve within 24 months after the effective date of this chapter all applications of junior college districts eligible for a tax relief grant under this chapter.

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

Certain junior college districts whose architectural plans for future construction are not quite complete are threatened with loss of their tax relief grant unless the time for approval of their applications is extended. Extension of the time to 24 months would continue the availability of the relief until the districts' amended applications could be filed and approved. It is therefore necessary that this act take effect immediately.

CHAPTER 6

An act to amend Section 26310 of the Vehicle Code, relating to compressed airbrake safety devices, declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 5, 1963. Filed with Secretary of State March 5, 1963.]

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

SECTION 1. Section 26310 of the Vehicle Code is amended to read:

26310. Every vehicle using compressed air for the actuating of the brakes shall be equipped with a safety device approved by the department which will prevent the loss of air pressure if an air line breaks or a diaphragm is ruptured, and will permit the effective application of the remaining brakes of the vehicle, or other safety device approved by the department which will, upon loss of air pressure, automatically apply the brakes to the wheels of the vehicles.

The department is hereby empowered to determine and to establish the specifications required of any such device or devices for departmental approval and, in the conducting of any test or tests of any such device or devices, the department may determine the costs of any such tests, and may require that the manufacturers of any such device being tested provide the department with the amount of money necessary to cover the costs of any such tests. The department may employ the services of private firms, individuals or public institutions in the conduct of such tests. The department may accept tests by accredited laboratories. No device shall be approved by the department that creates a hazard on the highway or increases the stopping distance of a truck or combination of vehicles.

This section shall not take effect until September 20, 1963.

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

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

The Department of the California Highway Patrol, pursuant to Section 26310 of the Vehicle Code, has approved a list of compressed airbrake safety devices required by that section to be installed on specified vehicles as of March 16, 1963. However, some of these devices have proved to be defective and the certificates of approval that have been issued respecting them have been revoked by the Department of the California Highway Patrol. It is a possibility that other certificates of approval may also be revoked. The March 15, 1963 date is therefore not now a realistic date for requiring compliance with Section 26310 of the Vehicle Code. This bill will remedy the situation, and in the interest of the public's safety, it is necessary that it go into immediate effect.

CHAPTER 7

An act to validate the organization, boundaries, acts, proceedings and bonds of public bodies, as herein defined, and to provide limitations of time within which actions may be commenced in connection therewith, declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 5, 1963. Filed with Secretary of State March 5, 1963.]

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

SECTION 1. The following terms shall have the following meanings herein:

(a) The term "public body" means counties, cities and counties, cities, and the following districts, authorities, agencies, boards, commissions and other entities:

Agencies, boards, commissions or entities constituted or provided for under or pursuant to Chapter 5 (commencing with Section 6500), Division 7, Title 1 of the Government Code.
Air pollution control districts
Airport districts
Assessment districts
Bridge and highway districts
California water districts
Cemetery districts
Citrous pest control districts
City maintenance districts
Community service districts
Conservancy districts
County boards of education

County fire protection districts
County maintenance districts
County power pumping districts
County sanitation districts
County sewerage and water districts
County water agencies
County water authorities
County water districts
County waterworks districts
Drainage districts
Fire protection districts
Flood control and water conservation districts
Flood control districts
Garbage and refuse disposal districts
Garbage disposal districts
Harbor districts
Harbor improvement districts
Highway districts
Highway lighting districts
Horticultural protection districts
Horticultural development districts
Housing authorities
Improvement districts of municipal improvement districts
Irrigation district distribution districts
Irrigation district improvement districts
Irrigation districts
Joint harbor improvement districts
Joint highway districts
Joint municipal sewage disposal districts
Junior college districts
Levee districts
Library districts
Local health districts
Local hospital districts
Metropolitan water districts
Mosquito abatement districts
Municipal improvement districts
Municipal improvement assessment districts
Municipal port districts
Municipal sewer districts
Municipal utility districts
Municipal water district improvement districts
Municipal water districts of any kind
Parking authorities
Parking districts
Park, recreation and parkway districts
Permanent road divisions
Pest abatement districts
Port districts
Public cemetery districts
Public utility districts
Rapid transit districts

Reclamation districts
Recreational harbor districts
Recreation and park districts
Recreation, park and parkway districts
Redevelopment agencies
Regional park districts
Resort improvement districts
River port districts
Road districts
Sanitary districts
Sanitary districts annexed areas
School districts of any kind or class
Separation of grade districts
Sewer maintenance districts
Soil conservation districts
Special transit service districts
Storm water districts
Transit districts
Unified air pollution control districts
Unified port districts
Urban renewal agencies
Vehicle parking districts
Veterans' memorial districts
Water agencies
Water authorities
Water conservation districts
Water districts
Water replenishment districts
Water storage districts
Weed abatement districts
Zones of flood control districts
Zones of flood control and water conservation districts
Zones of county water agencies
Zones of county water authorities

The term "public body" and the plural thereof, as used in this act, shall include only those entities which are specifically enumerated in this section.

(b) The term "bonds" means all instruments evidencing an indebtedness of a public body incurred or to be incurred for any public purpose, and all instruments evidencing the borrowing of money in anticipation of taxes, revenues or other income of such body, and all instruments payable from revenues or special funds of such public bodies, and all instruments funding or refunding any thereof or any indebtedness.

SEC. 2. All public bodies heretofore organized or existing under, or under color of, any law are hereby declared to have been legally organized and to be legally functioning as such public body. Every such public body shall have all the rights, powers, and privileges, and be subject to all the duties and obligations of such a public body regularly formed pursuant to law.

SEC. 3. The boundaries of every public body as heretofore established, defined, or recorded, or as heretofore actually shown on maps or plats used by the assessor, are hereby confirmed, validated, and declared legally established.

SEC. 4. All acts and proceedings heretofore taken by any public body under any law, or under color of any law, for the annexation or inclusion of territory into any such public body or for the annexation of any such public body to any other such public body or for the withdrawal or exclusion of territory from any such public body are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of such public body and of any person, public officer, board or agency heretofore done or taken upon the question of the annexation or inclusion or of the withdrawal or exclusion of such territory.

SEC. 5. All acts and proceedings heretofore taken by or on behalf of any public body under any law, or under color of any law, for the authorization, issuance, sale, or exchange of bonds of any such public body for any public purpose are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of such public body and of any person, public officer, board or agency heretofore done or taken upon the question of the authorization, issuance, sale, or exchange of such bonds.

All bonds of any public body heretofore issued shall be, in the form and manner in which issued and delivered, the legal, valid and binding obligations of the public body. All such bonds heretofore authorized to be issued and hereafter issued and delivered in accordance with such authorization shall be the legal, valid and binding obligations of the public body. Whenever an election has heretofore been called for the purpose of submitting to the voters of any public body the question of issuing bonds for any public purpose, such bonds, if hereafter authorized by the required vote and in accordance with the proceedings heretofore taken, and issued and delivered in accordance with such authorization, shall be the legal, valid and binding obligations of the public body.

SEC. 6. (a) The foregoing provisions of this act shall operate to supply such legislative authorization as may be necessary to validate any such acts and proceedings heretofore taken which the Legislature could have supplied or provided for in the law under which such acts or proceedings were taken.

(b) The foregoing provisions of this act shall be limited to the validation of acts and proceedings to the extent to which the same can be effectuated under the State and Federal Constitutions.

(c) The foregoing provisions of this act shall not operate to confirm, validate, or legalize any act, proceeding, or other matter the legality of which is being contested or inquired into in any legal proceeding now pending and undetermined or which may be pending or undetermined during the period of

30 days from and after the effective date of this act, and shall not operate to confirm, validate, or legalize any act, proceeding, or other matter which has heretofore been determined in any legal proceeding to be illegal, void or ineffective.

(d) This act shall not operate to confirm, validate, or legalize a contract between any district and the United States.

SEC. 7. Any action or proceeding contesting the validity of any action or proceeding heretofore taken under any law, or under color of any law, for the formation, organization or incorporation of any public body, or for any annexation thereto, exclusion therefrom or other change of boundaries thereof, or for the authorization, issuance, sale or exchange of bonds thereof upon any ground involving an alleged defect or illegality not effectively validated by the prior provisions of this act and not otherwise barred by any statute of limitations or by laches must be commenced within six months of the effective date of this act; otherwise each and all of said matters shall be held to be valid and in every respect legal and incontestable. This section shall not extend the period in which any action may be brought beyond the period in which it would be barred by any presently existing valid statute of limitations.

SEC. 8. Nothing contained in this act shall be construed to render the creation of any city or district, or any change in the boundaries of any city or district, effective for purposes of assessment or taxation unless the statement, together with the map or plat, required to be filed under Sections 54900 to 54904, inclusive, of the Government Code, is filed within the time and substantially in the manner required by said sections.

SEC. 9. As used in this act, the word "now" means the date this act takes effect; the word "heretofore" means any time prior to such effective date; and the word "hereafter" means any time subsequent to such effective date.

SEC. 10. This act may be cited as the First Validating Act of 1963.

SEC. 11. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The peace, health and safety of the citizens of the State require the orderly and unhampered functioning of public bodies and such functioning depends upon the validity of the organization, boundaries, and governing officers or boards of public bodies, and upon the validity of acts, proceedings, and bonds of public bodies, and it is therefore imperative and essential that such matters be validated so that during the period before this act would otherwise become effective:

(1) Citizens of the State can be afforded the protection of the police, fire, safety, sanitary, and other regulations and protections provided by public bodies;

(2) Public works and construction by public bodies can be commenced and continued without delay or restriction, to provide sewers, waterworks, schools, storm drains, flood control works, sanitary facilities, electric and other utility works, firehouses and facilities, police stations and facilities, streets, hospitals, and other works, structures, improvements, and facilities required for the public peace, health and safety, and immediately needed to provide for an increased population;

(3) Public bodies can issue and sell bonds heretofore authorized for the purpose of providing sewers, waterworks, schools, storm drains, flood control works, sanitary facilities, electric and other utility works, firehouses and facilities, police stations and facilities, streets, hospitals, and other works, structures, improvements, and facilities required for the public peace, health and safety and immediately needed to provide for an increased population, which cannot now be sold because of defects in the organization or boundaries of some public body or in the authorization of such bonds, which defects will be cured by this act.

CHAPTER 8

An act to add Section 19591.3 to the Education Code, relating to state school building aid, declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 5, 1963. Filed with Secretary of State March 5, 1963.]

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

SECTION 1. Section 19591.3 is added to the Education Code, to read:

19591.3. Notwithstanding any provision of Section 19590 to the contrary, a final apportionment may be made to a district which did not, on the date a conditional apportionment was made, have outstanding bonds exceeding 95 percent of the maximum amount of bonds which it could have had outstanding under law, if all of the following conditions exist:

(a) The issuance of district bonds was authorized at an election held prior to the making of the conditional apportionment in an amount which was based on an estimate of assessed valuation because of a protest against part of the assessment roll on which the bonding capacity of the district was determined; and as a result of such protest and legal proceedings in connection therewith, the period for which that the conditional apportionment would remain in effect was extended under Section 19580.

(b) The amount of bonds authorized at such election was in an amount which, if sold and added to outstanding district

bonds, would have, on the basis of the estimate of assessed valuation used by the district, qualified the district for a final apportionment.

(c) As a result of the final determination of such legal proceedings, it was determined that the total assessed valuation of the district was an amount greater than that estimated by the district in prescribing the amount of bonds to be authorized at such election.

(d) The amount of the bonds authorized to be issued at such election was not more than twenty-five thousand dollars ($25,000) less than the amount which would be required by Section 19590 to be issued and sold as a condition to the making of a final apportionment on the basis of the assessed valuation of the district as determined by the final determination of such legal proceedings.

(e) The district issues and sells prior to the date of the final apportionment district bonds authorized by the election referred to in subdivision (a) of this section and makes the proceeds of the bonds available for the purposes specified in the conditional apportionment.

Notwithstanding the terms of the conditional apportionment, a final apportionment shall be made to such district without the district being required to issue and sell bonds in the amount of the difference computed on the basis of the bonding capacity as estimated by the district at the time of the district bond election referred to in subdivision (a) of this section and the bonding capacity as determined on the basis of the bonding capacity determined under the final determination of legal proceedings referred to in such subdivision.

This section applies to any district holding a bond election on or after November 7, 1961, and receiving a conditional apportionment on or after April 10, 1962.

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

Because of litigation in some counties over the assessment and valuation of property for taxation purpose, the amount of assessed valuation of taxable property of school districts in those counties used as a basis for determining the bonding capacity and financial eligibility of the school district for state school building aid is held in question for one or two years thus making it almost impossible for a district to determine the amount of district bonds it must issue in order to be eligible for state aid. One effect of such litigation is to delay, necessarily, the processing of the district application for state aid until the legal proceedings are settled so that the financial eligibility of the district can be determined. In such cases, the school district in order to proceed with its building program

to provide essential classroom facilities for the pupils of the district must hold an election to authorize the issuance of bonds necessary to qualify for such state aid. For this purpose the district may submit to the voters a proposal for the issuance of bonds in an amount based on an assessed valuation and bonding capacity which the district estimates rather than the assessed valuation as shown on the contested assessment roll. In some instances it develops that the estimate used by the district is too low, when the amount of the assessed valuation of the county is finally settled by legal proceedings one or two years after the district held the bond election.

In order that the districts which need state school aid for the construction of essential classrooms and whose application has been delayed because of litigation over the amount of assessed valuation in the district should not be further penalized by the delays which would be caused by holding additional bond elections to authorize the issuance of relatively small amounts, it is necessary that this act take effect immediately.

CHAPTER 9

An act to add Section 23.1 to the Citrous Pest District Control Act (Chapter 89, Statutes of 1939), relating to citrous pest control districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 6, 1963. Filed with Secretary of State March 6, 1963.]

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

SECTION 1. Section 23.1 is added to the Citrous Pest District Control Act (Chapter 89, Statutes of 1939), to read:

Sec. 23.1. Every district heretofore formed, or hereafter formed, under the provisions of this act shall have all of the powers provided for in Section 45 of this act and other sections of this act, including the power to eradicate, remove, or prevent the spread of each and every citrous pest as defined in this act, regardless of any language in the petition for formation for any district or in any of the proceedings leading to formation which might seem to limit the power of said district to the control or eradication of one or more citrous pests in particular.

SEC. 2. The addition of Section 23.1 to the Citrous Pest District Control Act by the 1963 Regular Session of the Legislature does not constitute a change in, but is declaratory of, the pre-existing law.

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

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

There is a recent serious infestation of quick decline, otherwise known as tristeza, in the citrous-growing areas in the San Joaquin Valley. This disease is a very serious threat to the citrous industry in California and could produce a very detrimental effect on the economy of the areas affected and the entire State. There are citrous pest control districts organized in the San Joaquin Valley covering all of the major citrous-producing areas and these districts desire to extend immediately their operation to assist in the control of quick decline. Some of said citrous pest control districts when organized under the provisions of the Citrous Pest District Control Act had language in their formation petitions and proceedings which would seem to limit their activities to a citrous disease or pest known as "Red Scale," although these said districts do not believe that they are so limited. This addition of Section 23.1 to the said act is necessary to remove any doubt that said districts are empowered to combat all citrous pests and diseases as defined in said act so that the said districts can take immediate action to combat this very serious threat to the citrous industry.

CHAPTER 10

An act to amend Section 32221 of the Health and Safety Code, relating to hospital districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 7, 1963. Filed with Secretary of State March 7, 1963.]

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

SECTION 1. Section 32221 of the Health and Safety Code is amended to read:

32221. The board of directors may establish a fund for capital outlays; provided, that no part of said fund except such part as received through gifts, donations, devises, or bequests, or from sources other than the tax levy specified by Section 32202, shall be used for acquisition of additional patient bed capacity by lease or purchase of any hospital buildings or facilities or for new construction of additional patient bed capacity for an existing hospital in excess of one hundred fifty thousand dollars ($150,000) over a period of four years (other than remodeling, alteration or conversion of existing facilities) unless a majority of the district electors voting at an election held for that purpose approve such new construction proposal. If such fund is established, it shall include in the estimate required to be furnished to the board of supervisors a statement of the amount to be included in the annual

assessment for this purpose. The amount to be raised shall be included in the tax limitation prescribed by Section 32203.

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

Unprecedented demands for hospital services are being made upon the hospitals of local hospital districts. These demands are the result of the tremendous increase which has taken place in the population of such districts. To enable the hospitals adequately to meet these demands, it is imperative that immediate action be taken to permit the districts which maintain the hospitals to expend additional tax revenues for the acquisition or construction of additional patient bed capacity for the hospitals. It is, therefore, necessary that this act take effect immediately.

CHAPTER 11

An act to amend Sections 2898 and 2901.5 of, and to add Section 10815 to, the Education Code, relating to attendance of public school pupils.

[Approved by Governor March 12, 1963. Filed with Secretary of State March 12, 1963.]

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

SECTION 1. Section 2898 of the Education Code is amended to read:

2898. Whenever any unified school district fails to establish a high school within its boundaries within three years following the effective date of the establishment of the district for all purposes, or whenever the average daily attendance of pupils in grades 9 through 12 of any unified school district is 10 or less, the county superintendent of schools shall, during July of the next fiscal year, report the fact to the board of supervisors. The attendance of pupils in high schools in an adjoining state pursuant to Article 2 (commencing at Section 20151), Chapter 1 of Division 15, or pursuant to Section 10815 of this code, shall be deemed for the purposes of this section to be in high schools established and maintained by the unified district. Upon receiving the report of the county superintendent of schools the board of supervisors shall declare the unified school district lapsed and attach the territory of the lapsed district to a contiguous unified district or to a contiguous elementary district which is part of a high school district. The property, funds, and obligations of the lapsed district shall become the property, funds, and obligations of the district to which the territory is attached.

SEC. 2. Section 2901.5 of said code is amended to read:

2901.5. Whenever any unified school district provides for the high school education of the pupils of the district who reside in the district by the attendance of such pupils at the schools of a school district in an adjoining state pursuant to Article 2 (commencing at Section 20151), Chapter 1 of Division 15, or pursuant to Section 10815 of this code, such unified school district shall be deemed to have complied with the requirement of Section 2901 that every unified school district shall maintain at least one four-year high school or one junior high school and one senior high school.

SEC. 3. Section 10815 is added to said code, to read:

10815. The governing board of a unified school district, whose boundaries are coterminous with the boundaries of a county, and which is contiguous to an adjoining state, may provide for the education of all or any number of the high school pupils of the district who reside in the district by the attendance of such pupils at the schools of a school district of an adjoining state. The governing board of the unified school district may enter an agreement with the school district of an adjoining state for the education of such pupils, subject to the terms and conditions agreed upon. The provisions of Sections 20151 to 20162, inclusive, do not apply to pupils educated pursuant to an agreement authorized by this section. The average daily attendance of pupils educated pursuant to such an agreement shall be credited to the district of residence for apportionment purposes. The superintendent of schools of the district, or the principal of the school, in the adjoining state attended by the pupils under such an agreement shall, not later than July 2 of each year, certify, to the county superintendent of schools having jurisdiction over the school district of residence of the pupils, the average daily attendance of the pupils of the district attending the schools of the school district in the adjoining state. Certification shall be made on forms furnished by the Superintendent of Public Instruction. The county superintendent of schools shall report such average daily attendance to the Superintendent of Public Instruction, who shall include such average daily attendance in his report of average daily attendance in all of the duly established schools of the State for the last preceding school year certified by him to the State Controller.

CHAPTER 12

An act to add Sections 15654 and 16069 to the Education Code, relating to auxiliary facilities of school districts maintaining junior colleges, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 12, 1963. Filed with Secretary of State March 12, 1963.]

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

SECTION 1. Section 15654 is added to the Education Code, to read:

15654. The governing board of any district maintaining a junior college, if the board determines it to be necessary or advisable, may construct and maintain student centers, student union or activity buildings or facilities, vehicle parking facilities, health service facilities, bookstores or other auxiliary facilities for use by students or faculty members of the junior college or employees of the district.

SEC. 2. Section 16069 is added to the Education Code, to read:

16069. Notwithstanding any of the provisions of this article to the contrary, the governing board of any school district maintaining a junior college may lease real property owned by the school district to a student body organization established pursuant to Section 10701, upon such terms and conditions as the board may determine, for use as a student center, student union or activity building or facility, food service facility, health service facility, bookstore or any combination of such facilities. Such a student body organization may agree to lease real property pursuant to this section.

SEC. 3. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The vital needs of education in the State include provision for auxiliary facilities for students in junior colleges. To facilitate the financing of such facilities and of housing facilities for students in junior colleges, it is essential that the powers of school districts maintaining junior colleges be immediately clarified in the manner provided in this act. Such clarification will make it possible for such districts to obtain loans from the United States of America under the college housing loan program of the Housing and Home Finance Agency, with which to finance urgently needed housing and other student facilities, including loans heretofore negotiated but delayed pending such clarification.

CHAPTER 13

An act to add Section 33205 to the Health and Safety Code, relating to redevelopment agencies, declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 19, 1963. Filed with Secretary of State March 19, 1963]

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

SECTION 1. Section 33205 is added to the Health and Safety Code, to read:

33205. In any case where an agency was activated in a community by a resolution adopted pursuant to Section 33201 prior to January 1, 1951, and where thereafter and prior to January 1, 1951, the legislative body of the community purported to dissolve the agency under circumstances where Section 33203 was not applicable, and where as a result of such purported dissolution the agency was inactive for a period of at least 10 years, and where subsequent to January 1, 1962, the legislative body of the community adopted an ordinance pursuant to Section 33201 declaring that there is need for an agency to function in the community, which ordinance was not suspended by referendum, and where subsequent to the adoption of such ordinance new members of the agency were appointed pursuant to Section 33230, such agency is a valid and existing agency with full power to transact any business and exercise its powers and the members appointed subsequent to the adoption of such ordinance are the legally appointed and existing members of the agency, each for the term designated in his appointment. For the purpose of applying Section 33203 to such agency, the two-year period referred to in that section shall be measured from the date of adoption of such ordinance.

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

In at least one city in California the factual situation set forth in the section added by this act has caused doubt and confusion as to the legal existence of the redevelopment agency of that city and the legal status of its present members. Unless these questions are resolved the agency will be hindered and delayed in going forward with a redevelopment project urgently needed for the preservation of the public peace, health and safety, and it is therefore necessary that this act go into immediate effect.

CHAPTER 14

An act to add Section 9001.5 to the Fish and Game Code, relating to prawn or shrimp traps, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 20, 1963. Filed with Secretary of State March 20, 1963.]

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

SECTION 1. Section 9001.5 is added to the Fish and Game Code, to read:

9001.5. Prawn or shrimp traps may be used in waters of this State north of Point Conception throughout the year to take prawn and shrimp only. These traps may not exceed six feet in greatest dimension, and no opening from exterior to interior may be greater than five inches in any dimension.

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

In order to properly utilize the shrimp and prawn resources of this area the traps authorized by this act should be available for use as soon as possible, therefore this act should take effect immediately.

CHAPTER 15

An act to amend Section 14552 of the Revenue and Taxation Code, relating to hearings by inheritance tax appraisers.

[Approved by Governor March 20, 1963. Filed with Secretary of State March 20, 1963.]

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

SECTION 1. Section 14552 of the Revenue and Taxation Code is amended to read:

14552. Upon the filing of the petition the court shall, by order, designate and appoint an inheritance tax appraiser to ascertain and report to the court the amount of tax, if any, due and payable on the transfer for which the petitioner is liable. Upon the entry of such order, the petition and the matter to which it relates shall be deemed referred to such appraiser for all purposes.

CHAPTER 16

An act to amend Section 262 of the Revenue and Taxation Code, relating to the church exemption, declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 20, 1963. Filed with Secretary of State March 20, 1963.]

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

SECTION 1. Section 262 of the Revenue and Taxation Code is amended to read:

262. Any tax or penalty or interest thereon for any fiscal year commencing during the calendar year 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, or 1962 on property as to which the church exemption was available for such fiscal year shall be canceled pursuant to Article 1 (commencing with Section 4986) of Chapter 4 of Part 9 of this division as if it had been levied or charged erroneously, and, if paid, a refund thereof shall be made pursuant to Article 1 (commencing with Section 5096) of Chapter 5 of Part 9 of this division as if it had been erroneously collected.

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

Some churches have inadvertently failed to file the required affidavit in support of the tax exemption of their property which is granted by the State Constitution, and as a result now are confronted with obligations which, if met, will substantially impair their ability to function effectively. This act will remedy the situation by, in effect, removing the procedural bar to the application of the exemption to such property. In doing so, the public policy of the State as expressed in the Constitution will be entirely fulfilled and the State as a whole will benefit.

CHAPTER 17

An act to amend Section 28141 of the Government Code, relating to compensation for public service in counties.

[Approved by Governor March 20, 1963. Filed with Secretary of State March 20, 1963.]

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

SECTION 1. Section 28141 of the Government Code is amended to read:

28141. In a county of the 41st class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, four thousand two hundred dollars ($4,200) a year. In the event the consolidated office of clerk and auditor is separated by action of the board of supervisors, the auditor shall receive seven thousand eight hundred dollars ($7,800) a year.

(b) The district attorney, fourteen thousand five hundred dollars ($14,500) a year. He shall devote his full time during office hours to the duties of his office and shall not engage in the private practice of law during his term of office.

(c) Each supervisor, four thousand eight hundred dollars ($4,800) a year for all services rendered as supervisor and as member of the board of equalization. Each supervisor shall also receive ten cents ($0.10) a mile for each mile actually and necessarily traveled when traveling within or without the county on county business. In lieu of mileage, supervisors may use automobiles provided and maintained by the county in connection with the performance of their official duties.

(d) Trial jurors in the superior court shall receive six dollars ($6) for each day's attendance and mileage at the rate of ten cents ($0.10) for each mile actually and necessarily traveled from their residences to the county seat. Grand jurors shall receive seven dollars ($7) for each day's attendance and ten cents ($0 10) for each mile actually traveled. The fees and mileage shall be paid by the treasurer of the county out of the general fund of the county upon warrants drawn by the county auditor upon the written order of the judge of the superior court.

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

CHAPTER 18

An act to amend Section 24100 of the Water Code, relating to irrigation districts.

[Approved by Governor March 20, 1963. Filed with Secretary of State March 20, 1963]

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

SECTION 1. Section 24100 of the Water Code is amended to read:

24100. At any time prior to the incurring of any indebtedness or upon the full payment of all indebtedness of an improvement district, the board may by resolution set a time for a hearing on whether or not to dissolve the improvement district or a petition, signed and acknowledged by not less than the number of holders of title to land constituting the improvement district required to sign a petition to form the improvement district, may be filed with the board requesting that the improvement district be dissolved.

CHAPTER 19

An act to add Section 6854.3 to the Business and Professions Code, and to add Section 12055 to the Insurance Code, relating to credit insurance, declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 20, 1963. Filed with Secretary of State March 20, 1963]

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

SECTION 1. Section 6854.3 is added to the Business and Professions Code, to read:

6854.3. "Collection agency" does not include any insurer admitted in the State to transact credit insurance, as defined in Sections 113 and 12055 of the Insurance Code, and subject to the jurisdiction of the Insurance Commissioner.

SEC. 2. Section 12055 is added to the Insurance Code, to read:

12055. An insurer admitted in the State to transact credit insurance may also acquire and dispose of debts so insured and collect any debts owed to such insurer or to any person so insured by it. In performing any such act the credit insurer shall be under the jurisdiction of the Insurance Commissioner.

SEC. 3. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Because of the ambiguity of the present California statutes relating to credit insurers, there is a possible conflict of jurisdiction between the Insurance Commissioner and the Collection Agency Bureau. The enforcement officials involved and the admitted credit insurers are entitled to a resolution of such ambiguities at the earliest possible time, and the amendment contained herein is necessary to remove such ambiguities.

CHAPTER 20

An act to amend Section 28157 of the Government Code, relating to county officers.

[Approved by Governor March 20, 1963. Filed with Secretary of State March 20, 1963]

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

SECTION 1. Section 28157 of the Government Code is amended to read:

28157. In a county of the 57th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, seven thousand two hundred dollars ($7,200) a year.

(b) The district attorney, six thousand two hundred dollars ($6,200) a year.

(c) Each supervisor, three thousand dollars ($3,000) a year and twenty cents ($0.20) a mile one way to board meetings.

(d) Jurors' fees shall be as follows: for each day's attendance as a grand juror or trial juror in the superior court six dollars ($6), and twenty cents ($0.20) for each mile actually traveled in attending court as such juror, in going only. The county clerk shall certify to the auditor the number of days' attendance and number of miles traveled by each juror. The auditor shall draw his warrant therefor, and the treasurer shall pay the warrant.

CHAPTER 21

An act to amend Section 18657 of the Education Code, relating to funds for education.

[Approved by Governor March 27, 1963 Filed with Secretary of State March 27, 1963.]

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

SECTION 1. Section 18657 of the Education Code is amended to read:

18657. If any potash deposit or lease or any part thereof is wholly located within the boundaries of two or more elementary, high or unified school districts, the districts shall share equally in the apportionments made under Section 18656 which are attributable to the lease or deposit or part thereof situated within their boundaries.

CHAPTER 22

An act to add Sections 27360.5, 27361.7, and 27361.8 to the Government Code, relating to recordation of documents.

[Approved by Governor April 1, 1963 Filed with Secretary of State April 1, 1963.]

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

SECTION 1. Section 27360.5 is added to the Government Code, to read:

27360.5. As used in this code, the word "folio" means 100 words. Each figure, character, symbol, and initial, excluding

punctuation marks, shall be regarded as a word for the purpose of computing fees by a recorder.

SEC. 2. Section 27361.7 is added to said code, to read:

27361.7. Whenever the text of a document presented for record may be made out but is not sufficiently legible to reproduce a readable photographic record, the recorder may require the person presenting it for record to substitute a legible original document or direct the recorder to prepare a true copy of the first document by handwriting or typewriting and attach the same to the original as a part of the document for making the permanent photographic record.

SEC. 3. Section 27361.8 is added to said code, to read:

27361.8. The fee for preparing a true copy of a document not sufficiently legible to reproduce a readable photographic record is twenty-five cents ($0.25) per folio.

CHAPTER 23

An act to amend Section 27320 of the Government Code, relating to recordation of documents.

[Approved by Governor April 1, 1963. Filed with Secretary of State April 1, 1963.]

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

SECTION 1. Section 27320 of the Government Code is amended to read:

27320. When any instrument authorized by law to be recorded is deposited in the recorder's office for record, the recorder shall endorse upon it the proper filing number in the order in which it is deposited, the year, month, day, hour, and minute of its reception, and the amount of fees for recording. He shall record it without delay, together with the acknowledgements, proofs, certificates, and prior recording data written upon or annexed to it, with the plats, surveys, schedules, and other papers thereto annexed, and shall note on the record its filing number, the exact time of its reception, and the name of the person at whose request it is recorded.

CHAPTER 24

An act relating to the tide and submerged lands granted to the City of Vallejo by Chapter 310 of the Statutes of 1913, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 1, 1963. Filed with Secretary of State April 1, 1963.]

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

SECTION 1. The parcel to which the provisions of this act are applicable consists of that portion of the tide and submerged lands heretofore conveyed to the City of Vallejo upon certain trusts and conditions by Chapter 310 of the Statutes of 1913, more fully described as follows:

Bounded on the Northeast by the Southwesterly boundaries of lands heretofore conveyed by Patents from the State of California to private individuals as tideland surveys; and

Bounded on the Southwest by the combined Pierhead and Bulkhead line as established by the U.S. Army Corps of Engineers; and

Bounded on the East by the West line of the area described in Chapter 63 (First Extraordinary Session) of the year 1962, Statutes of California entitled "An act relating to the tide and submerged lands granted to the City of Vallejo by Chapter 310 of the Statutes of 1913"; said boundary running North and South along a line which is the Southerly projection of a line at or near 6 55 feet East of the East line of Santa Clara Street as shown on the Official Map of the City of Vallejo prepared by E. H. Rowe filed in the Office of the County Recorder of Solano County, California on September 19, 1868 in Book 1 of Maps at Page 123; and

Bounded on the North by the line which was the North boundary of the City Limits of the City of Vallejo as of the date of the adoption of the aforementioned Chapter 310 of the year 1913 of Statutes of California approved June 11, 1913, being the same boundary as shown on the Official Map of the City of Vallejo prepared by E. H. Rowe filed in the Office of the County Recorder of Solano County, California on September 19, 1868 in Book 1 of Maps at Page 123;

The area hereinbefore described being that strip of land lying between the combined U. S. Pierhead and Bulkhead line and the boundaries of tideland Surveys No. 3, 4, 21 and 22.

There is hereby conveyed and confirmed to the City of Vallejo, a municipal corporation, and to its successors, all of the right, title and interest of the State of California in and to the land hereinabove described, subject to all the terms and provisions of said Chapter 310 of the Statutes of 1913 and of this act.

SEC. 2. (a) In addition to the purposes expressed in Chapter 310 of the Statutes of 1913, the tide and submerged lands

included in the parcel described in Section 1 may be used by the City of Vallejo and its successors for purposes in which there is a general statewide purpose as follows:

(1) For the establishment, improvement and conduct of a harbor, and for the construction, reconstruction, repair, maintenance, and operation of wharves, docks, piers, slips, quays, and all other works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient, for the promotion and accommodation of commerce and navigation.

(2) For all commercial and industrial uses and purposes, and the construction, reconstruction, repair and maintenance of commercial and industrial buildings, plants and facilities.

(3) For the establishment, improvement and conduct of an airport and heliport or aviation facilities, including but not limited to approach, takeoff and clear zones in connection with airport runways, and for the construction, reconstruction, repair, maintenance and operation of terminal buildings, runways, roadways, aprons, taxiways, parking areas, and all other works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of air commerce and air navigation

(4) For the construction, reconstruction, repair and maintenance of highways, streets, roadways, bridges, belt line railroads, parking facilities, power, telephone, telegraph or cable lines or landings, water and gas pipelines, and all other transportation and utility facilities or betterments incidental, necessary or convenient for the promotion and accommodation of any of the uses set forth in this section.

(5) For the construction, reconstruction, repair, maintenance and operation of public buildings, public assembly and meeting places, convention centers, parks, playgrounds, bathhouses and bathing facilities, recreation and fishing piers, public recreation facilities, including but not limited to public golf courses, and for all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any such uses.

(6) For the establishment, improvement and conduct of small boat harbors, marinas, aquatic playgrounds and similar recreational facilities, and for the construction, reconstruction, repair, maintenance and operation of all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any of such uses, including but not limited to snack bars, cafes, restaurants, motels, launching ramps and hoists, storage sheds, boat repair facilities with cranes and marine ways, administration buildings, public restrooms, bait and tackle shops, chandleries, boat sales establishments, service stations and fuel docks, yacht club buildings, parking areas, roadways, pedestrian ways and landscaped areas.

(b) The city or its successors shall not, at any time, grant, convey, give or alienate lands included in the parcel described in Section 1, or any part thereof, to any individual, firm or

corporation for any purposes whatever; provided, that said city, or its successors, may, notwithstanding any provision in Chapter 310 of the Statutes of 1913 to the contrary, grant franchises thereon for limited periods, not exceeding 99 years, for wharves and other public uses and purposes, and may lease said lands, or any part thereof, for limited periods, not exceeding 99 years, for purposes consistent with the trusts upon which said lands are held by the State of California, and with the requirements of commerce and navigation, and collect and retain rents and other revenues from such leases, franchises and privileges. Such lease or leases, franchises and privileges may be for any and all purposes which shall not interfere with commerce and navigation. Nothing contained in this section shall be deemed to affect the validity or term of any franchise granted by said city under the Franchise Act of 1937 or said city's charter, and any such franchise shall be effective with respect to said lands.

(c) Said lands shall be improved without expense to the State; provided, however, that nothing contained in this section shall preclude expenditures for the development of said lands for any public purpose not inconsistent with commerce, navigation and fishery, by the State, or any board, agency or commission thereof, when authorized or approved by the city, nor by the city of any funds received for such purpose from the State or any board, agency or commission thereof.

(d) In the management, conduct, operation and control of said lands or any improvements, betterments, or structures thereon, the city or its successors shall make no discrimination in rates, tolls or charges for any use or service in connection therewith.

(e) The State of California shall have the right to use without charge any transportation, landing or storage improvements, betterments or structures constructed upon said lands for any vessel or other watercraft, aircraft, or railroad owned or operated by the State of California.

(f) There is hereby reserved to the people of the State of California the right to fish in the waters on said lands with the right of convenient access to said water over said lands for said purpose.

(g) There is hereby excepted and reserved in the State of California all deposits of minerals, including oil and gas, in said lands, and to the State of California, or persons authorized by the State of California, the right to prospect for, mine, and remove such deposits from said lands.

(h) Said lands are granted subject to the express reservation and condition that the State may at any time in the future use said lands or any portion thereof for highway purposes without compensation to the city, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements, betterments or structures have been placed upon the property taken by the

State for said purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements, betterments or structures taken or the damages to such interest.

(i) The State Lands Commission shall, at the cost of the city, survey and monument said lands and record a description and plat thereof in the office of the County Recorder of Solano County.

(j) If said lands, or any part thereof, are not used for the additional purposes authorized by this section within 10 years from the effective date of said section, or if such use is discontinued thereafter, the right, title, and interest of the city in and to said lands shall cease and said lands shall revert and rest in the State.

SEC. 3. Notwithstanding any provision in Chapter 310 of the Statutes of 1913 and notwithstanding any provision of this act, the State hereby consents and authorizes the City of Vallejo to grant its right, title and interest in and to all or a portion of the tide and submerged lands described in Section 1 of this act, whether filled or unfilled, to the Redevelopment Agency of the City of Vallejo, a public body, corporate and politic, organized and activated under the provisions of the Community Redevelopment Law as contained in Part 1 (commencing with Section 33000), Division 24 of the Health and Safety Code, to be held in trust by said agency for the uses and purposes and upon the conditions and limitations and to be vested with the rights and powers set forth in Section 2 of this act and in Chapter 310 of the Statutes of 1913

SEC. 4. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The City of Vallejo, through the Redevelopment Agency of the City of Vallejo, has undertaken an urban renewal program for a project area containing 125 acres, 25 acres of which are located between the combined Pierhead-Bulkhead line and the existing shore, and essentially within the parcel of tidelands described in this act. The area lying between these two waterfront developments is a part of the urban renewal project which specifies the building of a permanent seawall and filling in of the waterfront area behind the seawall to create new land which could be easily utilized to promote commerce, navigation and fisheries in place of tidal mudflats which have retarded such development. The earth to be used for filling the waterfront area is located eastward of the tidelands and is contained within the balance of the redevelopment project so that the installation of the seawall on the tideland parcel described in this act must precede the cut and fill and grading operations in the balance of the project area and thus must precede the redevelopment and renewal of essentially all of the

project area necessitating basically a standstill of action by the Redevelopment Agency of the City of Vallejo until bids are called for the construction of the seawall, and such bids cannot be called for until conveyance of the rights, title and interests of the City of Vallejo in the tidelands area described in this act can be conveyed to the Redevelopment Agency and until the trust purposes in the 1913 grant to the City of Vallejo are amended by this act to conform to identical trust purposes established for other portions of this original tidelands grant by prior legislative action. The Redevelopment Agency of the City of Vallejo has outstanding $1,240,000 in tax allocation bonds and $7,500,000 in other indebtedness upon which interest and charges are accumulating and will continue to accumulate pending the completion of this project. There exists an urgent necessity to begin building this project in order to effect a substantial financial savings to the City of Vallejo and to the Redevelopment Agency of the City of Vallejo, a state agency, and to secure commitments for the redevelopment of this tideland area for the furtherance of the trust purposes of commerce, navigation and fisheries, and unless authority is granted to convey title to the Redevelopment Agency of the City of Vallejo these advantages to these public agencies will be lost.

CHAPTER 25

An act to add Section 13109.2 to the Government Code, relating to letting of state property.

[Approved by Governor April 1, 1963. Filed with Secretary of State April 1, 1963.]

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

SECTION 1. Section 13109.2 is added to the Government Code, to read:

13109.2. Notwithstanding Section 13109, the Director of Finance, with the consent of the Department of Corrections, may let to the City of Vacaville for a public purpose, for a period not to exceed 20 years, real property which belongs to the State and which is retained by the State primarily to provide a peripheral buffer area, or zone, between real property upon which is located the medical facility and adjacent real property, where the director deems such letting is in the best interests of the State.

CHAPTER 26

An act to amend Section 17765 of, and add Section 17750.1 to the Business and Professions Code, relating to trading stamps.

[Approved by Governor April 1, 1963. Filed with Secretary of State April 1, 1963.]

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

SECTION 1. Section 17750.1 is added to the Business and Professions Code, to read:

17750.1. "Trading stamp" also means any stamp or similar device issued as a gift or as a consideration in any transaction other than in connection with the retail sale of merchandise or service, by a trading stamp company which also issues such devices in connection with the retail sale of merchandise or service, as a cash discount or for any other marketing purpose, and which may be redeemed by the rightful holder on the same basis as, or interchangeably with, any trading stamp issued as described in Section 17750.

SEC. 2. Section 17765 of said code is amended to read:

17765. The application for license shall be accompanied by a bond payable to this State and duly executed by the trading stamp company and a corporate surety qualified to do business in this State, which is conditioned upon the performance by the company of its obligations to redeem trading stamps issued under this chapter in this State when they are duly presented for redemption by the rightful holders

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CHAPTER 27

An act to amend Section 13242 of the Public Utilities Code, relating to bond denominations, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 1, 1963. Filed with Secretary of State April 1, 1963]

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

SECTION 1. Section 13242 of the Public Utilities Code is amended to read:

13242. The bonds shall be issued in such denominations as the board determines, except that no bonds shall be of a denomination less than one hundred dollars ($100), nor of a greater denomination than five thousand dollars ($5,000), and shall be payable on the day and at the place or places fixed in the bonds, and with interest at the rate specified therein, payable semiannually.

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

The present secondary bond market is highly favorable to bonds issued by municipal utility districts in denominations in excess of one thousand dollars ($1,000). Substantial savings in interest and fiscal costs will be available only if the districts are immediately given authority to permit bidders to offer bonds of large denominations in the secondary market. To achieve this end this act must take effect immediately.

CHAPTER 28

An act to amend Section 28117 of the Government Code, relating to salaries of county officers.

[Approved by Governor April 1, 1963. Filed with Secretary of State April 1, 1963.]

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

SECTION 1. Section 28117 of the Government Code is amended to read:

28117. In a county of the 17th class the following shall receive as compensation for the services required of them by law or by virtue of their offices, the following sums:

(a) The auditor, fourteen thousand five hundred dollars ($14,500) a year. He shall devote his full working time to the duties of his office.

(b) The district attorney, seventeen thousand dollars ($17,000) a year for all services He shall devote his entire time during office hours to the duties of his office and shall not engage in private law practice during his term of office.

(c) Each supervisor, for all services required of him as supervisor, ten thousand dollars ($10,000) a year. If necessary official business requires any supervisor to travel beyond the boundaries of the county, he shall receive actual necessary traveling expenses incurred therefor. No other mileage or remuneration shall be allowed; provided, however, county-owned automobiles may be used when traveling on official business both within and without the county.

(d) Grand jurors, six dollars ($6), trial jurors in the superior court, six dollars ($6) and trial jurors in justice courts, six dollars ($6), for each day's attendance. In addition, mileage fees shall be allowed all jurors at the rate of fifteen cents ($0.15) for each mile traveled in attending court or in attending sessions of the grand jury, in going only.

CHAPTER 29

An act to amend Section 268 of the Revenue and Taxation Code, relating to the welfare exemption, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 1, 1963. Filed with Secretary of State April 1, 1963.]

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

SECTION 1. Section 268 of the Revenue and Taxation Code is amended to read:

268. Any tax or penalty or interest thereon for any fiscal year commencing during the calendar year 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961 or 1962 on property as to which the welfare exemption was available for such fiscal year shall be canceled pursuant to Article 1 (commencing with Section 4986) of Chapter 4 of Part 9 of this division as if it had been levied or charged erroneously, and, if paid, a refund thereof shall be made pursuant to Article 1 (commencing with Section 5096) of Chapter 5 of Part 9 of this division as if it had been erroneously collected.

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

Some persons and organizations have inadvertently failed to file the required affidavit in support of the tax exemption of their property which is granted by the State Constitution, and as a result now are confronted with obligations which, if met, will substantially impair their ability to function effectively. This act will remedy the situation by, in effect, removing the procedural bar to the application of the exemption to such property. In doing so, the public policy of the State as expressed in the Constitution will be entirely fulfilled and the State as a whole will benefit.

CHAPTER 30

An act to amend Section 28126 of the Government Code, relating to compensation for public service in counties of the 26th class.

[Approved by Governor April 1, 1963. Filed with Secretary of State April 1, 1963.]

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

SECTION 1. Section 28126 of the Government Code is amended to read:

28126. In a county of the 26th class the officers shall receive as compensation for the services required of them by law or by virtue of their offices the salaries and fees fixed pursuant to the charter of the county, except that the following shall receive as compensation for such services the following sums:

(a) The auditor, six thousand six hundred dollars ($6,600) a year.

(b) The district attorney, thirteen thousand two hundred dollars ($13,200) a year. He shall not engage in private practice of law and shall devote all his time and attention during business hours to the duties of his office.

(c) Each supervisor, six thousand dollars ($6,000) a year for all services performed by him as supervisor, member of the board of equalization, or in any other capacity, and shall receive mileage at the rate of six cents ($0.06) for each mile actually traveled within the county in the performance of his official duties, or in going to or from any meeting of said board when traveling by automobile, not to exceed twenty-five dollars ($25) for any one month, and all actual and necessary traveling expenses when traveling on county business outside the county.

(d) Grand jurors in the superior court shall receive seven dollars ($7) for each day's attendance and eight cents ($0.08) for each mile actually traveled in attending court as such jurors. Such per diem and mileage allowance shall be paid to grand jurors for attendance at meetings of committees appointed by the foreman of the grand jury and to grand jurors making individual investigations when such investigations are authorized in writing by the foreman.

Trial jurors in the superior court shall receive three dollars ($3) for the first day's attendance at court and seven dollars ($7) for each succeeding day's attendance, together with fifteen cents ($0.15) for each mile traveled in attending court as such jurors, one way only.

CHAPTER 31

An act to amend the heading of Article 12 of Chapter 6 of Division 5 of, and to amend Section 2451 of, the Education Code, relating to school district organization.

[Approved by Governor April 1, 1963. Filed with Secretary of State April 1, 1963.]

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

SECTION 1. The heading of Article 12 of Chapter 6 of Division 5 of the Education Code is amended to read:

Article 12. Transfer of Portion of Elementary School District From One High School District to Another

SEC. 2. Section 2451 of the Education Code is amended to read:

2451. Whenever an elementary school district of any kind or class is comprised of territory situated in two high school districts, the governing boards of the high school districts and the governing board of the elementary school district may present to the county superintendent of schools a petition signed by a majority of the members of the governing boards of each of said districts, or a majority of the electors of the territory seeking to be included in the other high school district may present a petition to the county superintendent of schools, asking that the boundaries of the high school districts be changed by the exclusion of the territory in question from one of the high school districts and the inclusion of the territory in question in the other high school district so that the elementary school district shall be situated entirely within that high school district. If all of the districts are not under the jurisdiction of the same county superintendent of schools, then duplicate copies of the petition shall be presented to the county superintendent of schools of each county in which any part of any of the districts is situated. The county superintendent of schools shall verify the signatures of the governing boards of the district, or districts, under his jurisdiction. If all of the districts are not under the jurisdiction of the same county superintendent of schools, the county superintendents having jurisdiction of the high school districts shall certify to the county superintendent having jurisdiction of the elementary school district their findings concerning the signatures of the governing boards of the high school districts under their jurisdiction.

If the county superintendent of schools having jurisdiction of the elementary school district finds that the signatures are sufficient, the petition shall be acted upon in the same manner as a petition for a change of boundaries of school districts presented to him under Sections 1791 to 1795, inclusive, and the board of supervisors of the county of which he is superintendent of schools shall act thereon. Any order of the board of supervisors directing the change of boundaries shall not become effective nor shall it be recorded unless and until it is approved by the county committee on school district organization of the county having jurisdiction of the elementary school districts.

CHAPTER 32

An act to amend Sections 1613 and 1616 of the Elections Code, relating to precinct boards.

[Approved by Governor April 1, 1963. Filed with Secretary of State April 1, 1963.]

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

SECTION 1. Section 1613 of the Elections Code is amended to read:

1613. No person is eligible to act as an election officer who has, within 90 days preceding that election, been employed in any permanent capacity by the county, city, or city and county of his residence, except:

(a) As an election officer, or

(b) As a clerk engaged in the registering of electors.

This section does not render a person employed on a temporary, recurrent, or seasonal basis by the county or city or city and county of his residence ineligible to act as an election officer.

Where there are not sufficient qualified applicants for positions of election officers, the board of supervisors may appoint persons employed in a permanent capacity by the county, city, or city and county of their residence to serve as election officers. No more than two persons so employed shall be appointed to serve in any one precinct.

SEC. 2. Section 1616 of said code is amended to read:

1616. The application for the position of election officer shall be substantially in the following form:

APPLICATION TO SERVE AS ELECTION OFFICER

My name in full is _____
My actual residence is _____
My age is _____; my occupation is _____
I am employed at _____ (give place of employment).

I am not, and have not been within the last 90 days, employed in any permanent capacity, other than that of election officer or as a clerk engaged in the registration of voters, by the county or city in which I now reside.

I have __ _____ acted as an election officer at an election _____. (If applicant has previously acted as an election officer state the time and place when so acting and the nature of the office held, otherwise insert the word "not" after the word "have.")

I have _____ passed a civil service examination _____. (If applicant has previously passed such examination state the time and place thereof and the position for which it was held, otherwise insert the word "not" after the word "have.")

My experience in clerical work has been as follows: (State briefly.)

For further information, I would refer to the following: _____. (Names and addresses of two or three well-known citizens of the community, who are acquainted with the qualifications of applicant; to be filled out if applicant is not, through previous service or otherwise, already known to the appointing board.)

I am now registered as a voter in this county (or city and county).

I can read and write the English language and all of the matter written in the foregoing answers is in my own handwriting.

_____

Signature of applicant

CHAPTER 33

An act to amend Section 9400 of the Vehicle Code, relating to registration and weight fees for commercial vehicles.

[Approved by Governor April 1, 1963. Filed with Secretary of State April 1, 1963.]

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

SECTION 1. Section 9400 of the Vehicle Code is amended to read:

9400. (1) In addition to any other registration fee there shall be paid the following fees for the registration of commercial vehicles, except vehicles designed to transport property which are used exclusively to transport passengers without the owner thereof receiving compensation or profit for the transportation:

(a) For any electric vehicle designed, used, or maintained as described in this section, fees shall be paid for registration according to the following schedule:

Unladen weight	Fee
Less than 6,000 lbs.	$48
6,000 lbs. or more but less than 10,000 lbs.	96
10,000 lbs. or more	128

(b) For any motor vehicle having not more than two axles and designed, used or maintained as described in this section, other than an electric vehicle, fees shall be paid for registration according to the following schedule:

Unladen weight	Fee
3,000 lbs. to and including 4,000 lbs.	$14
4,001 lbs. to and including 5,000 lbs.	27
5,001 lbs. to and including 6,000 lbs.	40

Unladen weight			Fee
6,001 lbs. to and including	7,000 lbs.		54
7,001 lbs. to and including	8,000 lbs.		67
8,001 lbs. to and including	9,000 lbs.		80
9,001 lbs. to and including	10,000 lbs.		94
10,001 lbs. to and including	11,000 lbs.		107
11,001 lbs. to and including	12,000 lbs.		120
12,001 lbs. to and including	13,000 lbs.		134
13,001 lbs. to and including	14,000 lbs.		147
14,001 lbs. and over			160

(c) For any motor vehicle having three or more axles or for any trailer, semitrailer, pole or pipe dolly, or other dolly designed, used or maintained as described in this section, other than an electric vehicle, fees shall be paid for registration according to the following schedule:

Unladen weight			Fee
2,000 lbs. to and including	3,000 lbs.		$11
3,001 lbs. to and including	4,000 lbs.		20
4,001 lbs. to and including	5,000 lbs.		40
5,001 lbs. to and including	6,000 lbs.		60
6,001 lbs. to and including	7,000 lbs.		80
7,001 lbs. to and including	8,000 lbs.		100
8,001 lbs. to and including	9,000 lbs.		120
9,001 lbs. to and including	10,000 lbs.		140
10,001 lbs. to and including	11,000 lbs.		160
11,001 lbs. to and including	12,000 lbs.		180
12,001 lbs. to and including	13,000 lbs.		200
13,001 lbs. to and including	14,000 lbs.		220
14,001 lbs. to and including	15,000 lbs.		240
15,001 lbs. and over			267

(2) In addition to any other registration fee there may be paid the following fee for registration of any commercial motor vehicle with an unladen weight of less than 3,000 pounds—fee—$10.

CHAPTER 34

An act to amend Section 26101 of the Water Code, relating to irrigation districts.

[Approved by Governor April 1, 1963. Filed with Secretary of State April 1, 1963.]

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

SECTION 1. Section 26101 of the Water Code is amended to read:

26101. When assessments are payable in installments, the first publication of the list of delinquencies shall not be made before the first day of July nor after the first day of September.

CHAPTER 35

An act to amend Section 6401 of the Elections Code, relating to declarations of candidacy.

[Approved by Governor April 1, 1963. Filed with Secretary of State April 1, 1963.]

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

SECTION 1. Section 6401 of the Elections Code is amended to read:

6401. No declaration of candidacy for a partisan office or for membership on a county central committee shall be filed, either by the candidate himself or by sponsors on his behalf, (1) unless at the time of presentation of the declaration and continuously for not less than three months immediately prior to that time, the candidate is shown by his affidavit of registration to be affiliated with the political party the nomination of which he seeks, and (2) the candidate has not been registered as affiliated with a political party other than that political party the nomination of which he seeks within 12 months immediately prior to the filing of the declaration.

The county clerk shall attach a certificate to the declaration of candidacy showing the date on which the candidate registered as intending to affiliate with the political party the nomination of which he seeks, and indicating that the candidate has not been affiliated with any other political party for the 12-month period immediately preceding the filing of the declaration.

CHAPTER 36

An act to amend Sections 16626 and 16645.19 of the Education Code, relating to child care centers.

[Approved by Governor April 1, 1963. Filed with Secretary of State April 1, 1963.]

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

SECTION 1. Section 16626 of the Education Code is amended to read:

16626. Each person employed by a school district in a position requiring a child care permit for the care and guidance of children, or for service as a physician, dentist, or nurse, or in the supervision of the child care program, shall be deemed to be employed in a position requiring certification qualifications, but shall not be entitled to membership in the State Teachers' Retirement System or in any district retirement system for employees in positions requiring certification qualifications.

Each other person employed by a district in a child care center under the provisions of this chapter (commencing at Section 16601) shall be deemed for all purposes, including retirement, to be a person employed by the school district in a position not requiring certification qualifications.

The provisions of Section 13525, Section 13525 1 or Section 13526 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, shall not apply to employees in child care centers.

A district may lay off an employee required to have such a permit at any time during the school year for lack of work or lack of funds or may provide for his employment for not to exceed 90 days in any one school year on an intermittent basis which shall not be deemed probationary service. The order of layoff shall be determined by length of service. The employee who has served the shortest time shall be laid off first except that no permanent employee shall be laid off ahead of a probationary employee. A permanent employee who has been laid off shall hold reinstatement rights for a period of 39 months from the date of layoff.

Service performed prior to the effective date of this section shall not be included in computing the service required as a prerequisite for attainment of, or eligibility to, classification as a permanent child care center employee.

A person who is employed by a district as a probationary employee in a position requiring a child care permit for the care and guidance of children, or for service as a physician, dentist, or nurse, or in the supervision of the child care program and who has served in such a position for three complete consecutive school years as defined in Sections 13328 and 13464 of the Education Code, immediately prior to the effective date of this section may be dismissed only in accordance with the provisions of Section 13444.

Other persons who are employed as probationary employees in positions requiring such permits on or after the effective date of this section may be dismissed in accordance with the provisions of Section 13443.

SEC. 2. Section 16645.19 of said code is amended to read:

16645.19. Each person employed by a school district in a child care center under the provisions of this article (commencing at Section 16645 1) shall be deemed for all purposes, including retirement, to be a person employed by the school district in a position not requiring certification qualifications.

CHAPTER 37

An act to add Section 2557 to the Welfare and Institutions Code, relating to residence requirements of indigent persons.

[Approved by Governor April 1, 1963. Filed with Secretary of State April 1, 1963.]

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

SECTION 1. Section 2557 is added to the Welfare and Institutions Code, to read:

2557. The eligibility of an indigent or needy person to receive surplus food under any program supported or sponsored by the federal government shall not be limited by any provision in this article, nor shall any county, by ordinance or otherwise, limit the eligibility of such persons to receive such food by the imposition of residence requirements, whether or not such food is distributed by a county agency.

CHAPTER 38

An act to amend Section 10305 of the Elections Code, relating to forms of ballots.

[Approved by Governor April 1, 1963. Filed with Secretary of State April 1, 1963.]

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

SECTION 1. Section 10305 of the Elections Code is amended to read:

10305. If the office is an office to be voted on throughout, but wholly within, one county, except the office of Representative in Congress or State Senator or Assemblyman, and there are not more than four assembly districts in the county, the county clerk of the county shall arrange the names of all candidates for the office in alphabetical order for the first supervisorial district; and thereafter for each supervisorial district, the name appearing first for each office in the last preceding supervisorial district shall be placed last, the order of the other names remaining unchanged. If there are five or more assembly districts in the county, the county clerk shall arrange the order of names of all candidates for office so that they shall appear in alphabetical order for that assembly district which is lowest in numerical order, and thereafter for each succeeding assembly district in the county the name appearing first for each office in the last preceding assembly district shall be placed last, the order of the other names remaining unchanged.

CHAPTER 39

An act to amend Sections 6345 and 6348.5 of the Business and Professions Code, relating to law libraries.

[Approved by Governor April 1, 1963. Filed with Secretary of State April 1, 1963.]

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

SECTION 1. Section 6345 of the Business and Professions Code is amended to read:

6345. A board may appoint a librarian and define the powers and prescribe the duties of any officers, determine the number, and elect all necessary subordinate officers and assistants, and at its pleasure remove any officer or assistant.

For the purpose of facilitating the recruitment of professional and technically trained persons to fill positions for which there is a shortage of qualified applicants, a board may authorize payment of all or a part of the reasonable travel expense of applicants who are called for interview and all or part of the reasonable travel and moving expense of persons who change their place of residence to accept employment with the law library.

SEC. 2. Section 6348.5 of said code is amended to read:

6348.5. A board of law library trustees may invest surplus funds, with the approval of the county treasurer, in excess of one hundred thousand dollars ($100,000) or of the average annual expenditures of the library for the four fiscal years immediately preceding the investment, whichever is lesser, in bonds of the government of the United States or of this State. Bonds so purchased may be sold at any time in the discretion of the board. In computing average annual expenditures for the purposes of this section, capital expenditures for the purchase of real property and construction of a library building shall not be included.

CHAPTER 40

An act to amend Section 24386 of, and to add Section 24381 to, the Health and Safety Code, relating to motor vehicle air pollution.

[Approved by Governor April 1, 1963. Filed with Secretary of State April 1, 1963.]

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

SECTION 1. Section 24381 is added to the Health and Safety Code, to read:

24381. The provisions of this chapter shall not apply to any motor vehicle manufactured in the year 1938 or prior

thereto, if such motor vehicle is operated or moved over the highway solely for the purpose of taking it to a place for historical exhibition or other similar purpose.

SEC. 2. Section 24386 of said code is amended to read:

24386. The Motor Vehicle Pollution Control Board shall have the powers and authority necessary to carry out the duties imposed on it by this chapter, including, but not limited to, the following:

(1) To adopt rules and regulations in accordance with the provisions of the Administrative Procedure Act (commencing at Section 11370 of the Government Code), necessary for proper execution of the powers and duties granted to, and imposed upon the board by this chapter.

(2) To employ such technical and other personnel as may be necessary for the performance of its powers and duties.

(3) To determine and publish the criteria for approval of motor vehicle pollution control devices. In determining the criteria the board shall take into consideration the cost of the device and its installation, its durability, the ease and facility of determining whether the device, when installed on a motor vehicle, is properly functioning, and any other factors which, in the opinion of the board, render such a device suitable or unsuitable for the control of motor vehicle air pollution or for the health, safety, and welfare of the public.

(4) To issue certificates of approval for any motor vehicle pollution control device where, after being tested by the board or tested and recommended by a laboratory designated by the board as an authorized vehicle pollution control testing laboratory, the board finds that the device operates within the standards set by the state department under Section 426.5 and meets the criteria adopted under subdivision (3) of this section.

(5) To exempt from Article 3 of this chapter designated classifications of motor vehicles for which certified devices are not available, and motor vehicles whose emissions are found by appropriate tests to meet state standards without additional equipment, and motor-driven cycles, and implements of husbandry.

CHAPTER 41

An act to amend Section 4148 of the Agricultural Code, relating to the marketing of dairy products.

[Approved by Governor April 1, 1963. Filed with Secretary of State April 1, 1963.]

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

SECTION 1. Section 4148 of the Agricultural Code is amended to read:

4148. Prices filed pursuant to Section 4147 shall be made in such office of the director as he shall designate. Such prices

shall not become effective until the seventh day after filing. Evidence of any sale of, or offer or agreement to sell such market milk, market cream or dairy products by a distributor at less than the prices theretofore filed with the director by such distributor pursuant to the provisions of this article shall constitute prima facie proof of a violation of this article. Offers and agreements to sell, as used herein, shall include offers and agreements which are conditional, or which shall become effective, upon the filing thereafter of amended prices by the distributor making such offer. Upon receipt of such filings or amendments, the director shall forthwith date, file and index the same in such manner that the information therein contained shall at all times be kept current and be readily available to any interested person desiring to inspect the same. Any other distributor in the marketing area may meet any such prices so filed; provided, that such distributor shall file with the director a schedule of prices not exceeding the prices so met by him within 24 hours after meeting the same.

CHAPTER 42

An act to amend Section 637.5 of, and to add Section 637.6 to, the Agricultural Code, relating to yogurt.

[Approved by Governor April 1, 1963. Filed with Secretary of State April 1, 1963.]

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

SECTION 1. Section 637.5 of the Agricultural Code is amended to read:

637.5. Market milk or market milk combined with nonfat milk from market milk, with or without added market milk solids, flavoring or seasoning, which has been pasteurized and afterwards fermented by one or more strains of Lactobacillus bulgaricus (including yogurt strains), Streptococcus thermophilus and Lactobacillus acidophilus may be sold as yogurt, dietetic yogurt, mazun, or such names as may be characteristic for the product and approved by the director. Such product may contain harmless edible stabilizer not to exceed 0.6 percent and shall be free of molds, yeasts and other fungi, as well as coliform, and other objectional bacteria which may impair the quality of the product.

When offered for sale it shall be labeled with its name and with the name and address of the manufacturer or distributor and shall contain not less than 3.5 percent of milk fat, except dietetic yogurt shall contain not less than 2 percent of milk fat. Dietetic yogurt shall be labeled either "Dietetic yogurt" or "Low fat yogurt" in lettering at least as large as any other lettering on the label.

SEC. 2. Section 637.6 is added to said code, to read:

637.6. Fruit yogurt is yogurt containing not less than 8 percent by weight of clean, mature, sound fruit or its equivalent in other forms, provided, however, that its milk fat content may be reduced to not less than 2.8 percent, and it may contain a harmless edible stabilizer not to exceed 0.6 percent.

CHAPTER 43

An act to amend and renumber Section 143.01 of, to amend the chapter heading of Chapter 1 (commencing with Section 3000) of Part 1 of Division 5 of, to amend Sections 425, 452, 2020, 2020.002, 3002, 3003, 3004, 3005, 3005.10, 3006, 3011, 3025, 3026, 3040, 3041, 3042.10, 3045, 3046, 3049, 3051, 3078, 3078.3, 3081, 3083, 3083.1, 3083.3, 3084, 3084.01, 3087.5, 3088.5, 3447, 3447.1, 3460, 3472, 3472.01, 3472.1, and 3473 of, to add Sections 114.6, 433, 434, 435, 436, 437, 438, 439, 442, 441, 460, 3041.5, 3043.5, and 4162 to, and to repeal Sections 1521.6, 1553, 1554, 1555, 1556, 2025, 2181.06, as added by Chapter 1994 of the Statutes of 1961, 2186, 2186.1, 2187, 2188, 2189, 2225, 2226, 3009, 3084.1, 3087, 3087.1, 3087.2, 3087.3, 3401.5, 3404, 3405, 3408, 3411, 3421, 3430, 3431, 3433, 3445, 3446, 3447.15, 3447.2, 3447.25, 3447.3, 3448, 3449, 3451, 3461, 3462, 3462.1, 3470, 3471, 3471.5, 3473.2, 3474.5, 3475, 3480, 3481, 3482, 4163.5, 4185, and 4188 of, the Welfare and Institutions Code, relating to public assistance, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 2, 1963. Filed with Secretary of State April 2, 1963.]

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

SECTION 1. Section 114.6 is added to the Welfare and Institutions Code, to read:

114.6. Where the Department of Social Welfare causes to be published for public distribution informational pamphlets and related materials relating to public assistance programs administered or supervised by the department, they shall be printed in English and may be printed separately in Spanish, or at the discretion of the department, in English and Spanish, in such numbers as the department may determine.

SEC. 2. Section 143.01 of said code is amended and renumbered to read:

458. If a recipient purchases with cash an essential item, and such purchase under the rules and regulations of the State Social Welfare Board would have entitled him to a special need allowance each month to meet monthly installments on such purchase had he paid for the item in monthly installments, the

recipient shall be considered to have purchased the item from his personal property holdings, and shall be allowed to place in his savings, each month, without deduction from his grant, an amount of income equivalent to the special need allowance he would have been granted had he paid for the item on a monthly installment basis. The income placed in his savings shall be considered personal property.

SEC. 1.2. Section 425 of said code is amended to read:

425. Unless otherwise stated, the provisions of this chapter shall apply to any public assistance program established by this code for which federal funds are received by this State, and shall also apply to the aid to the potentially self-supporting blind program established under Chapter 3 (commencing with Section 3400) of Part 1 of Division 5 of this code. The terms "applicant" and "recipient", as used in this chapter, refer to any person applying for or receiving aid under any such public assistance program.

Sections 433 through 437 do not apply to medical assistance for the aged as provided for in Chapter 1 (commencing with Section 4700) of Part 4 of Division 5 of this code.

SEC. 1.3. Section 433 is added to said code, to read:

433. During such time as grants-in-aid are provided or made available by the United States government for public assistance in this State, the State Treasurer shall pay to each county from the sums so granted (1) an amount which shall be used exclusively as public assistance equal to the full amount of any sums received from the United States government as public assistance in respect to recipients within the provisions of this chapter maintained or supported by the county; and (2) an additional amount equal to such county's proportionate share of any amount so granted or made available to this State by the United States government for the costs of administering such aid, which additional amount shall be used exclusively for paying such administration costs. The State Department of Social Welfare shall determine the portion of the amount so granted or made available for administration costs to be paid to the counties, which portion for each county shall bear the same proportion to the total amount made available to this State for such administrative costs that the administrative costs of that county bear to the total administrative costs of all counties and of the State. The State Board of Social Welfare shall adopt rules and regulations which shall be of uniform application for determining the proportionate shares for such quarter to each county under the provisions of Sections 433 and 435.

SEC. 1.4. Section 434 is added to said code, to read:

434. During such times as grants-in-aid are provided or made available by the United States government for the purpose of defraying any portion of the costs of administration incurred for public assistance, the State Treasurer shall pay to each county an amount equal to such county's proportionate

share of the sum so granted for the cost of administration which amount shall be used exclusively for paying such administration costs. The State Department of Social Welfare shall determine the portion of the amount so granted or made available for administration costs to be paid to the counties, which portion shall be determined pursuant to rules and regulations of the State Board of Social Welfare and shall be not less than one-half of the amount so granted or made available. The State Board of Social Welfare shall adopt rules and regulations which shall be of uniform application for determining the proportionate shares of the respective counties of the portion so determined to be paid to such counties.

This section shall become operative and shall supersede Part 2 of Section 433 during such times as grants by the United States government, provided or made available to defray any portion of administration costs incurred for public assistance, are not computed as a proportion of such costs of administration. Whenever this section is in effect, all other sections referring to Section 433 shall also be deemed to refer to Section 434

SEC. 1.5. Section 435 is added to said code, to read.

435. From the sums appropriated therefor by the State of California, the State Treasurer shall pay to each county an additional amount, which shall be used exclusively for public assistance, equal to that proportion of the aid grants paid by the county under each public assistance program to which this chapter relates as is specified in the appropriation for that program contained in the law governing the program, after deducting from the sums so expended the amount paid to the county under subdivision (1) of Section 433 of this code.

SEC. 1.6. Section 436 is added to said code, to read:

436. The method of computing and paying the amounts provided for in Sections 433 and 435 for each quarter shall be as follows:

(a) The State Department of Social Welfare shall, prior to the beginning of each quarter, estimate the amount to be paid for such quarter to each county for public assistance under the provisions of Sections 433 and 435

(b) The State Department of Social Welfare shall then certify to the State Controller the amounts so estimated by it for each county, reduced or increased as the case may be, by any sum by which it finds that its estimate for any prior quarter was greater or less than the amount which should have been paid to the county under this chapter for such quarter, except to the extent that such sum has been applied to make the amount certified for any prior quarter greater or less than the amount estimated by the State Department of Social Welfare for such prior quarter.

(c) The State Controller shall thereupon draw the necessary warrants, and prior to audit or settlement by the State Department of Social Welfare, and the State Controller, the State Treasurer shall pay to the treasurer of each county the amount so certified.

Upon the order of the Department of Social Welfare, the amount approved for the quarter may be paid in monthly installments and, if paid in monthly installments all necessary adjustments for the prior quarters shall be made by additions or deductions from the allowance for the first month of each new quarter or in the manner prescribed by the State Department of Social Welfare.

SEC. 1.7. Section 437 is added to said code, to read:

437. (1) Reports of amounts paid out for public assistance shall be presented by the respective counties at times and in the form prescribed by the State Department of Social Welfare. (2) Such reports shall be audited by the State Department of Social Welfare and the State Controller and, when and in the amount approved, shall be allowed to the county as a credit to apply against advances made under the terms of Section 436.

SEC. 1.8. Section 438 is added to said code, to read:

438. Any recipient who becomes ineligible for aid under the public assistance program under which he is receiving aid, but appears to be eligible for aid under another public assistance program, shall be so informed, and his application for aid under that other program taken promptly, so that there is no interruption in warrant payments to the recipient.

SEC. 1.9 Section 439 is added to said code, to read:

439. All money paid to a recipient or recipient group as aid is intended to help the recipient meet his individual needs or, in the case of a recipient group, the needs of the recipient group, and is not for the benefit of any other person. Aid granted shall not be construed as income to any person other than the recipient or, in the case of a recipient group, the recipient group.

SEC. 1.10. Section 460 is added to said code, to read:

460. If, when, and during such times as the United States government increases or decreases its contributions for any public assistance program in this State above or below the amount being paid on January 1, 1963, or above or below the amount payable as a result of any such increase or decrease, the maximum grants of aid provided in that program shall be increased or decreased by an amount equal to such increase or decrease by the United States government. It is the intent of the Legislature that any change in contributions by the United States government, whether increase or decrease, shall result in a corresponding change in the amount of the maximum grants prescribed in the public assistance program to which the increase or decrease relates.

In no event shall this section operate to decrease the maximum grant of aid prescribed in Section 2020 below one hundred five dollars ($105) per month, prescribed in Section 3084, below one hundred twenty-two dollars ($122) per month, or prescribed in Section 4020 below an average grant of one hundred dollars ($100) per month.

It is also the intent of the Legislature that should the federal government require that any increase in assistance granted by it after May 1, 1955, be considered necessary to meet medical or health needs of the recipient, such increase shall be considered necessary to meet such medical or health needs.

SEC. 1.25. Section 442 is added to said code, to read:

442. Gifts of money received by an applicant or recipient shall be deemed personal property to the extent that the amounts received do not cause the value of the personal property holdings of the applicant or recipient to exceed the amount prescribed by law In the event the amounts received cause the personal property holdings of the applicant or recipient to exceed the amount prescribed by law, the excess shall be considered income to the applicant or recipient.

This section shall not apply to gifts of money received by a recipient at regular recurring intervals, which from past experience may be reasonably expected to be continued in the future.

SEC. 1.11. Section 452 of said code is amended to read:

452. As used in this chapter:

(a) "Public assistance" means old-age security, aid to the blind, aid to needy disabled, and medical assistance for the aged as provided for in Chapter 1 (commencing with Section 2000) of Division 3, Chapter 1 (commencing with Section 3000) and Chapter 3 (commencing with Section 3400) of Part 1 of Division 5, Chapter 1 (commencing with Section 4000) of Part 2 of Division 5, and Part 4 (commencing with Section 4700) of Division 5 respectively of this code.

(b) "Applicant" means an applicant for or a recipient of public assistance.

SEC. 1.12. Section 441 is added to said code, to read·

441. Aid granted to a recipient shall not constitute a lien upon any property of the recipient.

The cost of hospitalization furnished by a county to the recipient shall not constitute a lien against the personal property or personal effects of the recipient, or against an interment plot as defined in Section 7022 of the Health and Safety Code.

SEC. 1 14. Section 2020 of said code is amended to read:

2020. Amount of Aid Allowed. Any applicant shall be entitled to an amount of aid which, when added to the income of the applicant, equals one hundred five dollars ($105) per month plus any adjustment reflecting cost of living changes subsequent to January 1, 1962.

The amount of the grant as set forth in this section and Section 2020.002 shall be adjusted annually by the State Social Welfare Board to reflect any increases in cost of living occurring after January 1, 1962. The average of the separate indices of the cost of living for Los Angeles and San Francisco, as published by the United States Bureau of Labor Statistics shall be used as the basis for determining the changes in the cost of living. Whenever the cost of living increases by a percentage which when multiplied by one hundred dollars ($100)

results in a product of one dollar ($1) or more, this product adjusted to the nearer dollar amount shall be added to the monetary amount specified in the preceding paragraph and to the corresponding figure specified in Section 2020.002. The resultant sum shall be declared by formal action of the State Social Welfare Board to be the monthly grants payable under this section and Section 2020.002, respectively. In giving effect to the cost of living increase feature of this section the State Social Welfare Board shall select a base month for computation of the percentage change in the cost of living after January 1, 1962. The same month shall be used annually thereafter. The ordered change in the maximum grant shall become effective on the first day of the month following the expiration of a ninety (90) day period following the date of the formal action of the board directing the change.

In computing the amount of income determined to be available to support a recipient under this chapter the value of currently used resources shall be included but the value of casual income and inconsequential resources shall be excluded.

In any case where it is found that the need of an applicant exceeds the maximum provided by this section an additional amount of aid shall be paid as provided by Section 2020.002 of this chapter.

SEC. 1.15. Section 2020.002 of said code is amended to read:

2020.002. Any recipient whose need exceeds the amount of the maximum grant payable under Section 2020 shall be entitled to receive an additional amount as necessary to meet his need but in no event shall the sum of his grant and income exceed one hundred seventy dollars ($170) per month.

The additional grant provided by this section is to provide additional aid to persons with needs arising because of circumstances and situations not common to all recipients and not included or adequately covered by the allowance provided by Section 2020.

In determining the amount of grant payable under this section no consideration shall be given to voluntary contributions or grants from other public sources, private agencies, friends or relatives when such contributions or grants meet the following conditions:

1. The service to be provided is designated by the State Social Welfare Board and is not covered by an assistance allowance under this chapter, and

2. The contribution or grant would not be available for expenditure by or in behalf of the recipient unless it is used in accordance with the conditions imposed by the donor.

SEC. 1.16. Section 2025 of said code is repealed.

SEC. 1.5. Section 1521.6 of said code is repealed.

SEC. 2. Section 2181.06 of said code, as added by Chapter 1994 of the Statutes of 1961, is repealed.

SEC. 2.5 Section 2225 of said code is repealed.

SEC. 2.6. Section 2226 of said code is repealed.

SEC. 3. The chapter heading of Chapter 1 (commencing with Section 3000) of Part 1 of Division 5 of said code is amended to read:

CHAPTER 1. AID TO THE BLIND

SEC. 4. Section 3002 of said code is amended to read:

3002. This chapter and Chapter 3 (commencing with Section 3400) of this part shall be construed separate and apart from any provisions of law for the aid and relief of indigents It is recognized that the needs of blind persons may be different from the needs of aged persons.

SEC. 5. Section 3003 of said code is amended to read:

3003. The department shall adopt no rule, regulation, or order under this chapter or Chapter 3 (commencing with Section 3400) of this part which would limit to less than 24 months the period of time required by an applicant or recipient to pay for physician services, medical needs and hospitalization.

SEC 6 Section 3004 of said code is amended to read:

3004. The acceptance of aid for the blind by the State from the federal government or any department or agency thereof under this chapter shall not be deemed to reduce the maximum amount of aid to the blind which may be granted under the provisions of this chapter.

SEC. 7. Section 3005 of said code is amended to read:

3005. As used in this chapter, "blind person" means any person who by reason of loss or impairment of eyesight is unable to provide himself with the necessities of life and who has not sufficient income of his own to maintain himself as further set forth in Section 3084 of this code.

SEC. 7.5. Section 3005 10 of said code is amended to read:

3005 10. As used in this chapter and Chapter 3 (commencing with Section 3400) of this part, "Department of Social Welfare" means the State Department of Social Welfare.

SEC. 8. Section 3006 of said code is amended to read:

3006. Any person who, in order to secure for himself or another the aid provided in this chapter or Chapter 3 (commencing with Section 3400) of this part, makes a false statement under oath, shall be deemed guilty of perjury. Whenever any person has, by means of false statement or representation or by impersonation or other fraudulent device obtained aid under this chapter or Chapter 3 (commencing with Section 3400) of this part, he shall make restitution and all actions necessary to secure restitution may be brought against him.

It is the intent of the Legislature that restitution shall be sought by request, civil action, or other suitable means prior to the bringing of a criminal action.

SEC. 9. Section 3009 of said code is repealed.

SEC. 10. Section 3011 of said code is amended to read:

3011. No relative shall be held legally liable to support or to contribute to the support of any applicant for or recipient of aid under this chapter or Chapter 3 (commencing with Section 3400) of this part. No relative shall be held liable to defray in whole or in part the cost of any medical care or hospital care or other service rendered to said recipient pursuant to any provision of this code if he is an applicant for or a recipient of aid under this chapter or Chapter 3 (commencing with Section 3400) of this part at the time such medical care or hospital care or other service is rendered.

Notwithstanding the provisions of Section 206 of the Civil Code, or Section 270c of the Penal Code, or any other provision of this code no demand shall be made upon any relative to support or contribute toward the support of any applicant for or recipient of aid under this chapter or Chapter 3 (commencing with Section 3400) of this part. No county or officer or employee thereof shall threaten any such relative with any legal action against him, by or in behalf of the county or with any penalty whatsoever.

SEC. 11 Section 3025 of said code is amended to read:

3025. State Appropriations to Counties. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated to every county in the State for maintaining, supporting, or caring for, as provided in this chapter, blind persons who come within the provisions of this chapter, aid not in excess of a sum equal to three-fourths of the grant made pursuant to this chapter to every such blind person, after deducting therefrom the amount of any sum received from the United States government for aid to the blind in respect to such blind person, each month for each such blind person maintained, supported and cared for by such county.

Payments of aid shall be made in the manner provided in Sections 3087.1 to 3087.3, inclusive, of this code.

SEC 12 Section 3026 of said code is amended to read:

3026. It shall be the duty of each county to aid blind persons as provided in this chapter and Chapter 3 (commencing with Section 3400) of this part.

SEC. 13. Section 3040 of said code is amended to read:

3040. No person who has become blind while a resident of the State is entitled to aid under the provisions of this chapter or Chapter 3 (commencing with Section 3400) of this part, unless he is at least 16 years of age.

SEC. 14. Section 3041 of said code is amended to read:

3041. No person who became blind while he was a nonresident of this State, is entitled to aid under the provisions of this chapter or Chapter 3 (commencing with Section 3400) of this part, unless he is at least 16 years of age and unless, except as provided in Section 3043, he has been a resident of the State for a period of 10 years immediately preceding the filing of his application.

SEC. 15. Section 3041.5 is added to said code, to read:

3041.5. Any blind resident of California who is eligible for aid under this chapter and who regularly matriculates at the University of California or other institution of higher learning in this State and who is regularly working for an academic degree or certificate of completion shall be deemed eligible to receive aid under Chapter 3 (commencing with Section 3400) of this part notwithstanding anything contained in Section 3041 to the contrary.

SEC. 16. Section 3042.10 of said code is amended to read:

3042.10. For the purposes of this chapter and Chapter 3 (commencing with Section 3400) of this part neither the residence nor domicile of the husband or wife shall be deemed the residence or domicile of the other, but each may have a separate residence or domicile dependent upon proof of the fact and not on legal presumptions

For the purposes of this chapter and Chapter 3 (commencing with Section 3400) of this part a minor child shall be deemed to have resided in the State during any period in which such child has been physically present in the State

SEC. 17. Section 3043 5 is added to said code, to read:

3043.5. If the sight of a recipient of aid under this chapter or Chapter 3 (commencing with Section 3400) of this part is restored, and he is otherwise eligible therefor, he shall be entitled to apply for and receive aid under Chapter 1 (commencing with Section 2000) of Division 3 of this code, notwithstanding the fact that he has not resided in this State for the period prescribed in Section 2160 of this code. His application for aid under Chapter 1 (commencing with Section 2000) of Division 3 shall be taken promptly, so that there is no interruption of warrant payments to him.

SEC 18. Section 3045 of said code is amended to read

3045. No aid shall be given under the provisions of this chapter or Chapter 3 (commencing with Section 3400) of this part to any individual who receives aid under the Old Age Security Law, which is Chapter 1, Division 3 of this code, and no aid shall be given under this chapter to any individual who receives aid under Chapter 1 of Part 2 of Division 2 of this code.

SEC. 19. Section 3046 of said code is amended to read:

3046. No person who publicly solicits alms in any part of the State shall be eligible to receive aid under the provisions of this chapter or Chapter 3 (commencing with Section 3400) of this part. "Publicly solicits" shall be construed to mean either wearing, carrying, or exhibiting signs denoting blindness for the securing of alms, or carrying receptacles, for the purpose of securing alms, or doing the same by proxy; or stationary or house-to-house begging; or any other means of publicly seeking alms

SEC. 20. Section 3049 of said code is amended to read:

3049. Free board and lodging supplied to an applicant because of his necessity therefor, prior to receipt of aid under

this chapter or Chapter 3 (commencing with Section 3400) of this part shall not be grounds for refusing aid; notwithstanding any other provisions of this chapter, free board and lodging and other items of need furnished free under this chapter shall constitute income to the recipient in computing the grant pursuant to Sections 3084, 3084.1, 3472, and 3472.1, respectively. However, such free items shall not be evaluated at an amount higher than specified for such items in the assistance standard established by the State Social Welfare Board. This section shall not apply to medical services provided pursuant to Chapter 1 of Part 3 of Division 5 of this code.

SEC. 21. Section 3051 of said code is amended to read:

3051. The Department of Social Welfare may provide for treatment or operations to prevent blindness, or restore vision to applicants for, or recipients of, aid to the blind under this chapter or Chapter 3 (commencing with Section 3400) of this part, who voluntarily request and make written application for such treatment or operation.

This service shall be extended only to those persons whose age and physical and mental condition will make such physical rehabilitation profitable to the individual, shown by the findings of the physician in the report of the eye examination to be eligible for such treatment, and recommended for such treatment after a full investigation of each case by the advisory committee of ophthalmologists or by an ophthalmologist who has been designated by the advisory committee.

The treatment or operation recommended shall be given at any hospital or clinic designated by the advisory committee, and necessary traveling expenses shall be allowed as part of the expense of the treatment. The State Department of Social Welfare shall reimburse the county or the eye patient for all necessary expenses incurred in connection with the diagnosis and treatment. Necessary expenses shall include the costs of guide service, maintenance while the patient is away from his home, transportation to the eye physician or hospital and return to his home, and the cost of nursing home care when such care is necessary.

SEC. 22. Section 3078 of said code is amended to read:

3078. The Department of Social Welfare may, on behalf of the State, at any time inquire into the management by any county of aid to blind persons under the provisions of this chapter and Chapter 3 of this part. The Division for the Blind shall have its own staff to supervise the administration of aid to the blind and aid to potentially self-supporting blind residents, and all employees of the division shall be responsible to the Chief of the Division for the Blind irrespective of their headquarters.

If at any time the Department of Social Welfare has reason to believe that aid to the blind or aid to potentially self-supporting blind residents has been obtained improperly, it shall cause special inquiry to be made and may suspend payment for any installment pending the inquiry. It shall notify the board

of supervisors of such suspension. If it appears, upon the inquiry, that the aid has been obtained improperly, it shall be canceled by the Department of Social Welfare and if it appears that aid was obtained properly, the suspended payment shall be payable.

Any person dissatisfied with the action of the Department of Social Welfare in suspending or canceling aid may appeal to the State Social Welfare Board and upon such appeal shall be granted an opportunity for a fair hearing.

Any county which refuses, upon due demand, to permit such inquiry or to comply with any provision of this chapter or Chapter 3 (commencing with Section 3400) of this part, shall not thereafter receive any aid or reimbursement from the State under the provisions of this chapter or Chapter 3 (commencing with Section 3400) of this part until it has complied with all the requirements of this chapter or Chapter 3 (commencing with Section 3400) of this part.

SEC. 22.1. Section 3078.3 of said code is amended to read:

3078.3. Notwithstanding any other provision of this chapter or Chapter 3 (commencing with Section 3400) of this part, whenever a former recipient of aid under this chapter or Chapter 3 (commencing with Section 3400) of this part whose aid has been canceled or discontinued for any cause requests restoration of aid before the expiration of one year from the date of such cancellation or discontinuance and if it is determined that he is eligible therefor, aid shall be granted to him beginning not later than the first day of the month immediately following the date of such request for restoration, and no new application shall be required.

SEC. 22.5. Section 3083.3 of said code is amended to read:

3083.3. The application, evidence and documents submitted by an applicant for aid under this chapter may be used to grant the applicant aid under Chapter 3 of this part, if he is eligible therefor, and the application, evidence, and documents submitted by an applicant for aid under Chapter 3 (commencing with Section 3400) of this part may be used to grant the applicant aid under this chapter, if he is eligible therefor.

SEC. 23. Section 3081 of said code is amended to read:

3081. Each applicant for aid under this chapter or Chapter 3 (commencing with Section 3400) of this part shall file with the county agency designated to administer aid to the blind an application, accompanied by an affidavit, signed by him, stating, if known, his age, sex, counties of residence during the preceding 10 years, his financial resources and income, the name and address of his spouse and of each of his adult children and parents, the degree of his blindness, where and when he became blind, what employment and education he has had, his general physical condition, and such other data as are necessary to establish his eligibility for aid to the blind. The applicant's sworn statements in his application shall constitute prima facie evidence of the facts stated, except with

respect to degree of blindness and residence. This section shall not be interpreted to preclude a full and complete investigation by the agency administering aid to the blind.

SEC. 24. Section 3083 of said code is amended to read:

3083. The county board of supervisors shall not grant any certificate of qualification for aid under the provisions of this chapter or Chapter 3 (commencing with Section 3400) of this part until it has been satisfied that the applicant is entitled to such aid by the evidence of one reputable citizen of the State that he knows that the applicant has the required residential qualifications to entitle him to the aid asked for, or, in case such citizen is not available, then by such other evidence as is acceptable to the State Department of Social Welfare, and by the evidence of a duly licensed and practicing physician skilled in the diseases of the eye or of a duly licensed and practicing physician skilled in neurology or psychiatry or of a duly licensed and practicing optometrist that the applicant is blind. The physician skilled in the diseases of the eye shall describe the condition of the applicant's eyes and testify to the degree of his blindness. Whenever a physician skilled in the diseases of the eye is unable to find sufficient pathology to account for the degree of visual impairment claimed by the applicant, and whenever such physician skilled in the diseases of the eye shall recommend a further examination by a physician skilled in neurology or psychiatry, the applicant shall have the right to be examined by a physician skilled in neurology or psychiatry, who shall determine whether the degree of visual impairment claimed by the applicant is substantiated by the results of a neurological or psychiatric examination. The duly licensed and practicing optometrist shall testify to the degree of the applicant's blindness. The cost of such examination shall be paid entirely by the county in the same manner as other expenses of the county are paid. The evidence of each person shall be in writing, signed by him, and he shall be subject to cross-examination by the county board of supervisors or any other person appointed by the board of supervisors to conduct such investigation.

The State Social Welfare Board may appoint an advisory committee of six optometrists which shall serve in a consulting capacity, and which shall make recommendations and give advice to the board on rules and regulations governing all questions relating to the services of optometrists under this chapter and under Chapter 3 of this part. Each member of the committee shall be appointed for a term of two years. The members of the committee shall receive no compensation for their services but shall be allowed their actual traveling expenses incurred in the discharge of their duties.

The State Social Welfare Board shall make rules and regulations to prescribe the qualifications, number, and geographical distribution of such physicians and optometrists as are necessary to carry out the eye examinations provided under this chapter and Chapter 3 of this part.

SEC. 25. Section 3083.1 of said code is amended to read:

3083.1. No applicant for or recipient of aid under this chapter or Chapter 3 (commencing with Section 3400) of this part shall be required to pay any part of the cost of an eye examination as required by the Department of Social Welfare in connection with his application for or continued receipt of aid under this chapter or Chapter 3 (commencing with Section 3400) of this part. The costs of all such eye examinations shall be paid entirely by the county in the same manner as other expenses of the county are paid.

SEC. 25.5. Section 3084 of said code is amended to read:

3084. Any applicant shall be entitled to an amount of aid which, when added to the income of the applicant from all other sources, equals one hundred twenty dollars ($120) per month plus any adjustment reflecting cost of living changes subsequent to January 1, 1960.

The amount of the grant as set forth in this section and Section 3084.01 shall be adjusted annually by the State Social Welfare Board to reflect any increases in the cost of living occurring after January 1, 1960. The average of the separate indices of cost of living for Los Angeles and San Francisco, as published by the United States Bureau of Labor Statistics, shall be used as the basis for determining the changes in the cost of living. Whenever the cost of living increases by a percentage which when multiplied by one hundred fifteen dollars ($115) results in a product of one dollar ($1) or more, this product adjusted to the nearer dollar amount shall be added to the monetary amount specified in the preceding paragraph and to the corresponding figure specified in Section 3084.01. The resultant sum shall be declared by formal action of the State Social Welfare Board to be the monthly grants payable under this section and Section 3084.01, respectively. In giving effect to the cost of living increase feature of this section the State Social Welfare Board shall select a base month for computation of the percentage change in the cost of living since January 1, 1960. The same month shall be used annually thereafter. The ordered change in maximum grant shall become effective on the first day of the month following the expiration of a ninety (90) day period following the date of the formal action of the board directing the change.

In computing the amount of income determined to be available to support a recipient under this chapter the value of currently used resources shall be included but the value of earned income which is exempt pursuant to Section 3084.3 and the value of casual income and inconsequential resources shall be excluded.

In any case where it is found that the need of an applicant exceeds the maximum provided by this section an additional amount of aid shall be paid as provided by Section 3084.01 of this code.

The State Department of Social Welfare may provide by rule that any change in grant for an amount of two dollars

($2) or less may be delayed for not more than two months beyond the month in which the recipient reported the change in circumstances.

SEC. 25.6. Section 3084.01 of said code is amended to read:

3084.01. Any recipient whose need exceeds the amount of the maximum grant payable under Section 3084 of this code shall be entitled to receive an additional amount as necessary to meet his need but in no event shall the sum of his grant and income exceed one hundred seventy dollars ($170) per month.

The additional amount granted by this section is intended to provide additional aid to persons with needs arising because of circumstances and situations not common to all recipients, which are not included or not adequately covered by the allowance provided by Section 3084.

In determining the amount of grant payable under this section no consideration shall be given to voluntary contributions or grants from other public sources, private agencies, friends or relatives when such contributions or grants meet the following conditions:

1. The service to be provided is designated by the State Social Welfare Board and is not covered by an assistance allowance under this chapter, and

2. The contribution or grant would not be available for expenditure by or in behalf of the recipient unless it is used in accordance with the conditions imposed by the donor.

SEC. 26. Section 3084.1 of said code is repealed.

SEC. 27. Section 3087 of said code is repealed.

SEC. 28. Section 3087.1 of said code is repealed.

SEC. 28.5. Section 3087.5 of said code is amended to read:

3087.5. The board shall immediately notify the applicant in writing of its decision, and that he may, upon application to the board within 30 days, appear before the board at a time to be fixed by the board and show cause why the action of the board is not satisfactory. The hearing shall be held within 30 days from the time of application for hearing. Upon good cause shown, the board may reconsider its previous action, and take whatever action the board deems proper upon the application. The decision of the board confirming or reconsidering its previous action shall be rendered within 15 days after the hearing.

The right of hearing by the board of supervisors provided by this section is intended as an alternative to direct appeal to the State Social Welfare Board, and an applicant who has applied for hearing before the board of supervisors shall not appeal to the State Social Welfare Board until the decision of the board of supervisors has been rendered. After the decision of the board of supervisors has been rendered, the applicant may appeal therefrom to the State Social Welfare Board. An

applicant who does not apply for hearing before the board of supervisors may appeal directly to the State Social Welfare Board as provided in Section 104.1.

The right of appeal to the board of supervisors, provided in this section, shall also be available to an applicant for aid under Chapter 3 (commencing with Section 3400) of this part.

SEC. 29. Section 3088.5 of said code is amended to read:

3088.5. Payment of aid under this chapter or Chapter 3 (commencing with Section 3400) of this part shall be made promptly and shall be commenced as of the first day of the month in which the application is granted, unless an earlier date is required by Section 3082 or unless otherwise directed by the State Social Welfare Board in cases in which an appeal is taken; aid shall not commence prior to the date of application, unless otherwise directed by the State Social Welfare Board in cases in which an appeal has been taken on the ground that the county has refused to accept a signed application for aid.

All payments of aid under this chapter or Chapter 3 (commencing with Section 3400) of this part shall be made monthly in advance and shall be paid as of the first day of each month. The warrant shall be placed in the mail in time for delivery on the first postal delivery day of each month.

An applicant whose application for aid under this chapter or Chapter 3 (commencing with Section 3400) of this part has been rejected may not again apply for such aid until the expiration of 90 days from the date the previous application was denied, except with the consent of the county or an order of the State Department of Social Welfare, or until the condition because of which his application was rejected has been eliminated

SEC. 30 1. Section 3447 of said code is amended to read:

3447. Aid shall not be denied under the provisions of this chapter to any person who owns, in addition to property authorized by Chapter 6 (commencing with Section 450) of Division 1 of this code, personal or real property, or both, the county assessed valuation of which, less all encumbrances thereon of record, is in excess of five thousand dollars ($5,000). Aid shall not be denied under the provisions of this chapter to any blind person with a plan for achieving self-support on the ground that he owns personal property in addition to that authorized in Chapter 6 (commencing with Section 450) of Division 1 of this code; provided, that such additional property is necessary to implement his plan for achieving self-support; and provided, that the county-assessed valuation of such additional personal property does not exceed five thousand dollars ($5,000).

The term "personal property," insofar as applicants or recipients of aid under this chapter are concerned, shall not include a policy or policies of life insurance on the life of the applicant or recipient which has or have been in effect at least five years prior to the date of application, if the value of the

policy or policies at maturity is in an amount not exceeding one thousand dollars ($1,000).

No life insurance policy shall be valued at more than its present surrender value to the applicant or recipient. Premiums paid on life insurance policies shall not be deemed income or resources of the applicant or recipient, whether or not the person by whom the premiums are paid is a responsible relative of the applicant or recipient, and no deduction therefor shall be made from the amount of aid granted to the recipient.

Funds for readers, or an educational scholarship, or both, which have been awarded by a high school, college, or university to any recipient of aid under this chapter while he is regularly attending any public school in this State, the University of California, or any other institution of higher learning in this State, shall not be deemed property, income, or resource of the recipient for any purpose and no deduction therefor shall be made from the recipient's amount of aid.

SEC. 30.2. Section 3447.1 of said code is amended to read:

3447.1. For the purposes of this chapter and Chapter 6 (commencing with Section 450) of Division 1 of this code, as the latter applies to recipients of aid under this chapter, the term personal property does not include interment plots as defined in Section 7022 of the Health and Safety Code, nor money placed in trust or insurance for funeral or interment expenses or similar purposes, nor any contract rights connected therewith if such money, insurance, or contract rights do not exceed five hundred dollars ($500) in value.

SEC. 30.3. Section 3447.2 of said code is repealed.

SEC. 31. Section 3460 of said code is amended to read:

3460. The administration of this chapter is vested in the State Department of Social Welfare and the counties to be performed in accordance with the provisions of this code applicable to aid to the blind under Chapter 1 (commencing with Section 3000) of this part. Unless otherwise expressly provided in this chapter, all provisions of this code applicable to the powers and duties of the State Department of Social Welfare and the counties with respect to the blind shall apply to the powers and duties of the State Department of Social Welfare and the counties with respect to aid to the blind under this chapter.

SEC. 32. Section 3472 of said code is amended to read:

3472. Any applicant shall be entitled to an amount of aid which, when added to the income of the applicant from all other sources, equals one hundred twenty dollars ($120) per month.

The amount of the grant as set forth in this section and Section 3472.01 shall be adjusted annually by the State Social Welfare Board to reflect any increases in the cost of living occurring after January 1, 1960. The average of the separate indices of cost of living for Los Angeles and San Francisco, as published by the United States Bureau of Labor Statistics, shall be used as the basis for determining the changes in the

cost of living. Whenever the cost of living increases by a percentage which when multiplied by one hundred fifteen dollars ($115) results in a product of one dollar ($1) or more, this product adjusted to the nearer dollar amount shall be added to the monetary amount specified in the preceding paragraph and to the corresponding figure specified in Section 3472.01. The resultant sum shall be declared by formal action of the State Social Welfare Board to be the monthly grants payable under this section and Section 3472.01, respectively. In giving effect to the cost of living increase feature of this section the State Social Welfare Board shall select a base month for computation of the percentage change in the cost of living since January 1, 1960. The same month shall be used annually thereafter. The ordered change in maximum grant shall become effective on the first day of the month following the expiration of a ninety (90) day period following the date of the formal action of the board directing the change.

In computing the amount of income determined to be available to support a recipient under this chapter the value of currently used resources shall be included but the value of earned income which is exempt pursuant to this section and the value of casual income and inconsequential resources shall be excluded.

In any case where it is found that the need of an applicant exceeds the maximum provided by this section an additional amount of aid shall be paid as provided by Section 3472.01 of this code.

Annual net income from any of the following sources of a combined total value not exceeding one thousand two hundred dollars ($1,200) increased by one-half of that part of the recipient's annual income which is in excess of one thousand two hundred dollars ($1,200) shall not be considered for any purpose:

(a) Income from applicant's labor or services;

(b) The value of foodstuffs produced by the applicant or his family for his use or that of his family;

(c) The value of firewood and/or water produced on the premises of the applicant or given to him by another for the applicant's use;

(d) The value of gifts;

(e) The value of the use and occupancy of premises owned and occupied by the applicant;

(f) The net income from real and personal property owned by the applicant.

Income in addition to the above specified shall be computed on the basis of net income. For the purpose of enabling and encouraging a greater number of recipients of aid under this chapter to become self-supporting, all expenditures incurred by an applicant for or a recipient of aid under this chapter in effecting his plan to become self-supporting, including payments made for the purchase of material for fixtures and equipment needed by him in effecting such plan, shall be de-

ducted from gross income in computing his net income for purposes of this chapter; provided, such payments shall not be more than one hundred dollars ($100) per month.

SEC. 32.6. Section 3472.01 of said code is amended to read:

3472.01. Any recipient whose need exceeds the amount of the maximum grant payable under Section 3472 of this code shall be entitled to receive an additional amount as necessary to meet his need but in no event shall the sum of his grant and income exceed one hundred seventy dollars ($170) per month.

The additional amount granted by this section is intended to provide additional aid to persons with needs arising because of circumstances and situations not common to all recipients, which are not included or not adequately covered by the allowance provided by Section 3472.

In determining the amount of grant payable under this section no consideration shall be given to voluntary contributions or grants from other public sources, private agencies, friends or relatives when such contributions or grants meet the following conditions:

1. The service to be provided is designated by the State Social Welfare Board and is not covered by an assistance allowance under this chapter, and

2. The contribution or grant would not be available for expenditure by or in behalf of the recipient unless it is used in accordance with the conditions imposed by the donor.

SEC. 33. Section 3472.1 of said code is amended to read:

3472.1. If, when, and during such times as the amount of the grant of aid to the blind provided by Chapter 1 of this part is increased or decreased, pursuant to Section 460, the maximum grant provided by this chapter shall be increased or decreased by an amount equal to such increase or decrease in the grant of aid to blind persons under Chapter 1 (commencing with Section 3000) of this part, but in no event shall the maximum grant under this chapter be decreased by operation of this section below one hundred twenty-two dollars ($122) per month.

It is the intent of the Legislature that should the federal government require that any increase in assistance to the blind in this State granted by it after November 1, 1956, be considered necessary to meet medical or health needs of the applicant or recipient, an increase in aid to the potentially self-supporting blind resulting therefrom shall be considered necessary to meet the medical or health needs of applicants or recipients.

SEC. 34. Section 3473 of said code is amended to read:

3473. An applicant for aid under this chapter shall in addition prove that he is able to secure and willing to use resources and income he is permitted to retain under this chapter, for the purposes of achieving self-support.

The county shall determine whether the applicant has the qualifications necessary for aid under this chapter and may,

despite his application, deny him aid under this chapter, and, if eligible thereunder, grant him aid to the blind under Chapter 1 of this part. Any applicant denied aid under this chapter may file an appeal with the State Social Welfare Board.

An applicant granted aid under this Chapter 3 shall not be eligible for aid under Chapter 1 of this part.

At least annually, the county shall review the case of every applicant receiving aid under this chapter and shall redetermine whether he is eligible for aid under this chapter or should be granted aid, if eligible under Chapter 1 of this part. Any redetermination by the county shall be subject to review by the State Social Welfare Board upon the appeal of the applicant.

SEC. 34.5. Section 4162 is added to said code, to read:

4162. Any person who qualifies for assistance under the provisions of Chapter 1 (commencing with Section 4700) of Part 4 of Division 5 of this code, and who is confined as an inpatient in a hospital or nursing home, shall be presumed to be a needy disabled person within the meaning of Section 4000 of this code.

SEC. 35. Section 3401.5 of said code is repealed.
SEC. 36. Section 3404 of said code is repealed.
SEC. 37. Section 3405 of said code is repealed.
SEC. 38. Section 3408 of said code is repealed.
SEC. 39. Section 3411 of said code is repealed.
SEC. 40. Section 3421 of said code is repealed.
SEC. 41. Section 3430 of said code is repealed.
SEC. 42. Section 3431 of said code is repealed.
SEC. 44. Section 3433 of said code is repealed.
SEC. 45. Section 3445 of said code is repealed.
SEC. 46. Section 3446 of said code is repealed.
SEC. 46.1. Section 3447.15 of said code is repealed.
SEC. 46.2. Section 3447.25 of said code is repealed.
SEC. 46.3. Section 3447.3 of said code is repealed.
SEC. 46.4. Section 3448 of said code is repealed.
SEC. 47. Section 3449 of said code is repealed.
SEC. 48. Section 3451 of said code is repealed.
SEC. 49. Section 3461 of said code is repealed.
SEC. 50. Section 3462 of said code is repealed.
SEC 51. Section 3462.1 of said code is repealed.
SEC. 52. Section 3470 of said code is repealed.
SEC. 53. Section 3471 of said code is repealed.
SEC. 54. Section 3471.5 of said code is repealed.
SEC. 55. Section 3473.2 of said code is repealed.
SEC. 56. Section 3474.5 of said code is repealed.
SEC. 57. Section 3475 of said code is repealed.
SEC. 58. Section 4163.5 of said code is repealed.
SEC. 59. Section 1553 of said code is repealed.
SEC 60 Section 1554 of said code is repealed.
SEC. 61. Section 1555 of said code is repealed.
SEC. 62. Section 1556 of said code is repealed.
SEC. 63. Section 2186 of said code is repealed.
SEC. 64. Section 2186.1 of said code is repealed.

SEC. 65. Section 2187 of said code is repealed.
SEC. 66. Section 2188 of said code is repealed.
SEC. 67. Section 2189 of said code is repealed.
SEC. 68. Section 3087.2 of said code is repealed.
SEC. 69. Section 3087.3 of said code is repealed.
SEC. 70. Section 3480 of said code is repealed.
SEC. 71. Section 3481 of said code is repealed.
SEC. 72. Section 3482 of said code is repealed.
SEC. 73. Section 4185 of said code is repealed.
SEC. 74. Section 4188 of said code is repealed.
SEC. 75. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

This act makes numerous technical and clarifying changes in code sections relating to public assistance. In order that substantive changes in those sections, proposed by the Legislature in other bills introduced at the 1963 session, may be directed at the law as it is proposed to be amended by this act, thereby eliminating the necessity of directing those changes at both this act and existing sections of the code, it is essential that this act take effect immediately.

CHAPTER 44

An act to add Sections 2020.001 and 3084.05 to the Welfare and Institutions Code, relating to attendant and other special services for recipients of public assistance, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 2, 1963. Filed with Secretary of State April 2, 1963.]

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

SECTION 1. Section 2020.001 is added to the Welfare and Institutions Code, to read:

2020.001. When the physical or mental condition of an applicant for or a recipient of aid under this chapter is such that he requires the services of a full-time or part-time attendant to permit him to remain in his own home or requires out-of-home care in a nonmedical facility, he shall be entitled to a grant in an amount sufficient to enable him to pay for those services or that care, provided that he would apparently be eligible for assistance as provided under Chapter 1 (commencing with Section 4000) of Part 2 of Division 5 of this code and would be transferred to the program of aid to the needy disabled solely for the purposes of providing such services or care.

The grant payable to an applicant or recipient under this section shall not be subject to the maximum monetary limitations set forth in Sections 2020 and 2020.002 of this code.

SEC. 2. Section 3084 05 is added to said code, to read:

3084.05. When the physical or mental condition of an applicant for or a recipient of aid under this chapter or Chapter 3 (commencing with Section 3400) of this part is such that he requires the services of a full-time or part-time attendant to permit him to remain in his own home or requires out-of-home care in a nonmedical facility, he shall be entitled to a grant in an amount sufficient to enable him to pay for those services or that care, provided that otherwise he would apparently be eligible for assistance as provided under Chapter 1 (commencing with Section 4000) of Part 2 of Division 5 of this code and would be transferred to the program of aid to the needy disabled solely for the purposes of providing such services or care. The grant payable to an applicant or recipient under this section shall not be subject to the maximum monetary limitations set forth in Sections 3084, 3084.01, 3472, and 3472.01 of this code.

SEC. 3. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

At the present time it is the practice of those administering the public assistance programs to transfer any applicant for or recipient of old age assistance or aid to the blind, whose physical or mental condition is such that he requires attendant care, to the aid to the needy disabled program. This results in a substantial increase in administrative costs, which will be avoided if payment for attendant services is made in conjunction with the old age assistance and aid to the blind programs. This act will accomplish this, and in order that a reduction in costs may be effected at the earliest possible time, it is essential that it take effect immediately.

CHAPTER 45

An act to add Section 16410 to the Education Code, relating to school property, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 2, 1963. Filed with Secretary of State April 2, 1963.]

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

SECTION 1. Section 16410 is added to the Education Code, to read:

16410. Notwithstanding any other provision of law, the governing board of any school district owning land upon

which agricultural products are grown may enter into agreements with an agricultural co-operative or association for the purpose of maintaining, harvesting or selling such products.

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

The bidding procedures generally applicable to the sale of school property are not workable where a school district desires to sell crops grown on its land There are presently crops on lands owned by school districts which need harvesting. Unless this act takes effect immediately it will be difficult to harvest such crops

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CHAPTER 46

An act to add Section 16866 to the Education Code, relating to junior college bus transportation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 3, 1963 Filed with Secretary of State April 3, 1963]

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

SECTION 1. Section 16866 is added to the Education Code, to read:

16866. The governing board of any school district maintaining a junior college may use school buses to transport students attending the junior college of the district and teachers or other employees employed by the district to and from places which are located within a 1,500-mile geographical radius of the district and which are located in this State or in any other state of the United States in connection with courses in geology or archaeology offered by the junior college

In computing the average daily attendance of the district, there shall be excluded the attendance of such pupils while being transported on such educational excursions.

Any school district which transports pupils, teachers or other employees of the district in school buses pursuant to the provisions of this section, shall report to the Superintendent of Public Instruction on forms prescribed by him the total mileage of school buses used in connection with such educational excursions. In computing the additional allowance to such school district for transportation there shall be deducted therefrom an amount equal to the depreciation of school buses used for such transportation in accordance with rules and regulations adopted by the Superintendent of Public Instruction.

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

Junior colleges have planned as an integral part of certain courses of study field trips wherein students are given the opportunity to utilize the theoretical knowledge they have gained in the classroom. In order that these courses of study may be conducted as planned and yield the maximum benefit to all the students, it is necessary that this act go into immediate effect.

CHAPTER 47

An act to amend Section 1435.9 of the Probate Code, relating to transactions involving community and other property where spouse is incompetent.

[Approved by Governor April 8, 1963. Filed with Secretary of State April 8, 1963.]

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

SECTION 1. Section 1435.9 of the Probate Code is amended to read:

1435.9. The court shall require the petitioner to give a bond conditioned on the duty of the petitioner to account for and apply the proceeds of the transaction to be received by him only as the court may by its order or any subsequent order direct. Such bond, with two or more persons or an authorized surety company as surety, to be approved by the judge if the surety is not an authorized surety company, shall be in such sum as the court shall order, which sum shall be not less than twice the value of the personal property, including cash and any note or notes, to be received by said petitioner as determined by the court or, when the bond is given by an authorized surety company, not less than the value of such personal property as so determined. The provisions of Sections 1483, 1483.1, 1483.2, 1483.3, 1488, 1489, and 1490 of this code relating to guardians and the bonds thereof are hereby made applicable to petitioners and the bonds thereof under the provisions of this chapter. The court in its order may, however, for cause shown, reduce or dispense with such bond.

CHAPTER 48

An act to amend Sections 19593, 20804.3, and 21701.5 of the Education Code, and Section 23313 of the Elections Code, relating to school district elections.

[Approved by Governor April 8, 1963. Filed with Secretary of State April 8, 1963.]

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

SECTION 1. Section 19593 of the Education Code is amended to read:

19593. The election by a school district upon the acceptance, expenditure, and repayment of an apportionment prescribed by Section 19590 may be called and held either before or after the making of an apportionment except that no such election shall be held within 45 days of a statewide election unless conducted at the same time as such statewide election, subject to the provisions of Chapter 4 (commencing with Section 23300) of Part 2 of Division 12 of the Elections Code.

SEC. 2. Section 20804.3 of said code is amended to read:

20804.3. Notwithstanding any provision of law to the contrary, no election for the purpose of increasing or decreasing any maximum tax rate for any school district shall be held within 45 days of a statewide election unless conducted at the same time as such statewide election, subject to the provisions of Chapter 4 (commencing with Section 23300) of Part 2 of Division 12 of the Elections Code.

SEC. 3. Section 21701.5 of said code is amended to read:

21701.5. Notwithstanding any provision of law to the contrary, no election shall be held pursuant to this chapter (commencing with Section 21701) within 45 days of a statewide election unless conducted at the same time as such statewide election, subject to the provisions of Chapter 4 (commencing with Section 23300) of Part 2 of Division 12 of the Elections Code.

SEC. 4. Section 23313 of the Elections Code is amended to read:

23313. Where the precinct boundaries of a school district do not fully coincide with the boundaries of the precincts established for a statewide election, any school district election governed by Sections 19593, 20804.3, and 21701.5 of the Education Code shall be either partially or completely consolidated with the statewide election. Such partial or complete consolidation shall constitute full compliance with the requirements of Sections 19593, 20804.3, and 21701.5 of the Education Code.

CHAPTER 49

An act to amend Section 12816 of the Vehicle Code, relating to drivers' licenses, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 8, 1963. Filed with Secretary of State April 8, 1963.]

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

SECTION 1. Section 12816 of the Vehicle Code is amended to read:

12816. (a) Every original driver's license issued after September 10, 1957, shall expire on the third birthday of the applicant following the date of the application for the license.

(b) Renewal of any driver's license shall be made for a term which shall expire on the fifth birthday of the applicant following the expiration of the license renewed except that such renewal of a license shall expire on the third birthday of the applicant following the expiration of the license renewed if within the past two years the applicant has:

(1) Except for parking violations, and violations committed as a pedestrian or bicyclist, been convicted of three or more violations of Division 10 (commencing with Section 20000) or of Division 11 (commencing with Section 21000) of this code, or

(2) Been convicted of any felony in the commission of which a motor vehicle was used.

(c) The department may accept application for a renewal of a driver's license made not more than six months prior to the date of expiration and the renewal license when issued shall expire as stated in subdivision (b) above. If renewal is not applied for within 90 days after expiration of the license, the application and fee shall be considered the same as an application for an original license to be issued for the term indicated in subdivision (a) above.

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

A reduction in revenue will occur unless a provision is made for the continued issuance of short term drivers' licenses. In 1961, the Legislature combined operators' licenses and chauffeurs' licenses under the identity of drivers' licenses. The number of convictions of traffic violations under which two year term licenses would be issued was not changed

As there are a large number of these licenses as well as drivers' licenses of persons with three or more convictions now being renewed, it is necessary that this act take effect immediately to provide effective and uniform administration and to prevent a reduction in revenue.

CHAPTER 50

An act to amend Section 537 of the Code of Civil Procedure, relating to attachment.

[Approved by Governor April 8, 1963. Filed with Secretary of State April 8, 1963.]

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

SECTION 1. Section 537 of the Code of Civil Procedure is amended to read:

537. The plaintiff, at the time of issuing the summons, or at any time afterward, may have the property of the defendant attached, as security for the satisfaction of any judgment that may be recovered, unless the defendant gives security to pay such judgment, as in this chapter provided, in the following cases:

1. In an action upon a contract, express or implied, for the direct payment of money, where the contract is made or is payable in this State, and is not secured by any mortgage, deed of trust or lien upon real or personal property, or any pledge of personal property, or, if originally so secured, such security has, without any act of the plaintiff, or the person to whom the security was given, become valueless. An action upon any liability, existing under the laws of this State, of a spouse, relative or kindred, for the support, maintenance, care or necessaries furnished to the other spouse, or other relatives or kindred, shall be deemed to be an action upon an implied contract within the term as used throughout all subdivisions of this section. An action brought pursuant to Section 1692 of the Civil Code shall be deemed an action upon an implied contract within the meaning of that term as used in this section.

2. In an action upon a contract, express or implied, against a defendant not residing in this State, or who has departed from the State, or who cannot after due diligence be found within the State, or who conceals himself to avoid service of summons.

3. In an action against a defendant, not residing in this State, or who has departed from the State, or who cannot after due diligence be found within the State, or who conceals himself to avoid service of summons, to recover a sum of money as damages, arising from an injury to or death of a person, or damage to property in this State, in consequence of negligence, fraud, or other wrongful act.

4. In an action in unlawful detainer where it appears from the verified complaint on file therein that rent is actually due and payable from the defendant to the plaintiff for the premises sought to be recovered in said action; provided, the payment of such rent is not secured by any mortgage or lien upon real or personal property, or pledge of personal property,

or, if originally so secured, such security has, without any act of the plaintiff or the person to whom the security was given, become valueless.

5. In an action by the State of California or any political subdivision thereof, for the collection of taxes due said State or political subdivision, or for the collection of any moneys due upon any obligation or penalty imposed by law.

6 In any action by the State of California, or any political subdivision thereof, for the recovery of funds pursuant to Section 11680.5 of the Health and Safety Code. In such cases, funds on the defendant's person at the time of his arrest which are retained in official custody shall also be subject to attachment.

CHAPTER 51

An act to amend Section 844 of the Probate Code, relating to authority of executor and administrator to lease without a court order.

[Approved by Governor April 8, 1963. Filed with Secretary of State April 8, 1963.]

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

SECTION 1. Section 844 of the Probate Code is amended to read:

844. The executor or administrator may lease real property without an order of court when the rental does not exceed two hundred fifty dollars ($250) a month and the term does not exceed one year or, regardless of the amount of rental, when the lease is from month to month.

CHAPTER 52

An act to amend Section 36 of the Civil Code, relating to contracts of minors.

[Approved by Governor April 8, 1963. Filed with Secretary of State April 8, 1963.]

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

SECTION 1. Section 36 of the Civil Code is amended to read:

36. A contract, otherwise valid, entered into during minority, cannot be disaffirmed upon that ground either during the actual minority of the person entering into such contract, or at any time thereafter, in the following cases:

1. A contract to pay the reasonable value of things necessary for his support, or that of his family, entered into by him

when not under the care of a parent or guardian able to provide for him or them; provided, that these things have been actually furnished to him or to his family.

2. A contract or agreement pursuant to which such person is employed or agrees to render artistic or creative services in motion pictures, television, the production of phonograph records, the legitimate or living stage, or otherwise in the entertainment field, including, but without being limited to, services as an actor, actress, dancer, musician, comedian, singer, or other performer or entertainer, or as a writer, director, producer, production executive, choreographer, composer, conductor or designer, where such contract or agreement has been approved by the superior court in the county in which such minor resides or is employed.

3. A contract or agreement pursuant to which such person is employed or agrees to render services as a participant or player in professional sports, including, but without being limited to, professional boxers, professional wrestlers and professional jockeys, where such contract or agreement has been approved by the superior court in the county in which such minor resides or is employed.

4. The approval of the superior court referred to in subsections 2 and 3 of this section may be given upon the petition of either party to the contract or agreement after such reasonable notice to the other party thereto as may be fixed by said court, with opportunity to such other party to appear and be heard; and its approval when given shall extend to the whole of said contract or agreement, and all of the terms and provisions thereof, including, but without being limited to, any optional or conditional provisions contained therein for extension, prolongation or termination of the term thereof.

CHAPTER 53

An act to amend Section 12880 of the Water Code, relating to state financial assistance for local water projects, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 8, 1963. Filed with Secretary of State April 8, 1963.]

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

SECTION 1. Section 12880 of the Water Code is amended to read:

12880. In furtherance of the development, control and conservation of the water resources of the State and the State Water Resources Development System it is the policy of the State to provide financial assistance to public agencies for the construction of water projects to meet local requirements in which there is a statewide interest by making grants or loans,

or both, and by participating in the construction and operation of water projects, and also to provide financial assistance to public agencies for the preparation of certain feasibility reports on such water projects by making loans, in accordance with this chapter.

(a) As used in this chapter, "project" means any construction or improvement by a public agency for the diversion, storage, or distribution of water primarily for domestic, municipal, agricultural, industrial, flood control or power production purposes. "Public agency" means any city, county, district or other political subdivision of the State. "Feasibility report" means such report on the feasibility of a public agency's proposed project as the department may require the public agency to file with the department in support of an application by the public agency under this chapter for a loan for the construction of the proposed project.

(b) The proposed project may be approved for assistance only if it is determined that the project substantially conforms to The California Water Plan, is engineeringly feasible, economically justified, and, if a loan is proposed, that there is reasonable assurance, commensurate with the need for the proposed project, that the public agency can repay it. A loan for the preparation of a proposed feasibility report on a proposed project may be approved only if it is determined that there is reasonable assurance that the public agency can repay the loan and only if the agency receives a favorable written reply from the department on a written request for a preliminary determination of eligibility for a loan for the construction of the proposed project filed with the department by the agency under the regulations of the department promulgated pursuant to this chapter.

(c) Grants in furtherance of a project may be made for the following purposes:

(1) For the part of the construction cost of the proposed project properly allocated to the enhancement of fish and wildlife incidental to the primary functions of the project.

(2) For the part of the construction cost of the dam and reservoir of the proposed project properly allocated to recreational functions of statewide interest that are incidental to the primary functions of the project. Such construction costs may include expenditures for lands located above the high waterline of reservoirs which are necessary or desirable for public recreation in connection with the reservoir.

(d) Loans may be made only for projects primarily for domestic, municipal, agricultural, or industrial purposes. Such loans may be made for all or any part of the construction cost of any such project but in no event shall any such loan be in an amount which is greater than the portion of the construction cost of the project which the department finds to be beyond the reasonable ability of the public agency to finance from other sources. Such loans shall be repayable over a period not to exceed 50 years. A period of development of not exceeding

10 years may be allowed within such maximum 50-year repayment period, during which no payments on the principal of such loans shall be required, when in the department's judgment such development period is justified under the circumstances.

(e) Loans may be made for all or any part of the cost of the preparation of proposed feasibility reports on proposed projects, but in no event shall any such loan be in an amount which is greater than the portion of the cost of the preparation of the proposed feasibility report which the department finds to be beyond the reasonable ability of the public agency to finance from other sources. Such loans shall be repayable over a period not to exceed 10 years.

(f) If in order to accomplish the objectives of this chapter it is necessary to construct a project that is beyond the requirements of the public agency constructing the project, the State may participate in planning, designing, constructing, operating and maintaining the project, and in financing those costs of the project in excess of the costs necessary to meet the requirements of the public agency, on terms agreed upon with the agency, to the end that the project shall accomplish the maximum water development objectives at a minimum total expenditure.

(g) Applications for loans or grants or financial participation by the State under this chapter shall be made to the department in such form and with such supporting material as may be prescribed by the department. A report on each application shall be prepared by the department and filed with the Legislature. In such reports the department shall make findings as to the nature and extent of the statewide interest in the project, the public necessity for the project, the urgency of the need, and the engineering feasibility, economic justification, and financial feasibility of the project; provided, that in the case of reports on applications for loans for the preparation of proposed feasibility reports, in lieu of the above findings, the department shall make findings with respect to the public necessity for and urgency of need of the proposed project and the ability of the applicant to repay the requested loan for the preparation of the proposed feasibility report.

(h) Notwithstanding any provision of law to the contrary, every public agency empowered by law to construct and operate a project, as defined in subdivision (a) of this section, is hereby granted, in addition to and not in derogation or limitation of the powers conferred upon the public agency by any other law, the power:

(1) To borrow money from and repay the same with interest to the State in accordance with this chapter on behalf of the entire public agency or of any portion or portions thereof for which the law applicable to the agency authorizes an indebtedness or liability to be incurred, including any improvement district, distribution district, or zone within the public

agency, notwithstanding any debt limitation or other provision in the law applicable to such agency which might otherwise preclude or limit such borrowing.

(2) To enter into a contract with the department, on behalf of the entire public agency, or of any portion or portions thereof referred to in paragraph (1) of this subdivision (h), for a loan or grant under this chapter or for participation by the State in a local project under subdivision (f) of this section and to use the loan or grant contracted for as an additional or alternative means of financing the project proposed by the public agency.

(3) To comply with the provisions of any contract entered into with the department under this chapter, including any provision which obligates the public agency, or any specified portion or portions thereof, to meet all commitments, financial or otherwise, undertaken by the public agency in such contract notwithstanding any individual default by its constituents or others in the payment to the public agency of taxes, assessments, tolls, or other charges levied by the public agency.

(4) To include recreation and enhancement of fish and wildlife, or either of them, as functions incidental to the primary functions of a project which the public agency is empowered by law to construct and operate, and to construct and operate the project for such incidental recreation and enhancement of fish and wildlife functions, or either of them, in accordance with the provisions of a grant contract entered into with the department, including provisions for public use of the project facilities for fishing and other recreational activities.

(5) To construct and operate such onshore recreational facilities, fish and wildlife enhancement facilities or other facilities as the department or the Legislature may require in connection with a grant to the public agency under this chapter, and to construct and operate such facilities in accordance with the provisions of a grant contract entered into with the department, including provisions for public use of such facilities for fishing and other recreational activities.

(6) To annually levy or cause to be levied upon all property in the public agency, or in any portion or portions thereof, subject to taxation or assessment by the public agency an ad valorem tax or assessment, based upon the assessed valuation of such property, necessary and sufficient to meet all commitments, financial or otherwise, of the public agency that are set forth in any contract which the agency enters into with the department under this chapter, in addition to any other taxes or assessments which the public agency is authorized to levy or cause to be levied on such property and notwithstanding any provision in the law applicable to such agency which might otherwise preclude or limit such taxing or assessing. Where the law applicable to such public agency does not set forth a procedure for levying and collecting taxes or assessments on an ad valorem basis, such public agency shall utilize

the procedure for levying and collecting taxes for the payment of principal and interest on general obligation bonds of municipal water districts, set forth in the Municipal Water District Act of 1911 (Chapter 671, Statutes of 1911), as it may now or hereafter be amended, for the purpose of levying and collecting taxes or assessments necessary and sufficient to meet commitments in a contract entered into under this chapter.

(7) To make charges for the furnishing of services from the project for which the public agency receives financial assistance under this chapter and to pledge and use any or all revenues received from the collection of such charges for the purpose of meeting the commitments, financial or otherwise, of the public agency that are set forth in any contract which the public agency enters into with the department under this chapter.

(8) To perform all acts and do all things that are necessary or convenient to carry out the above powers

(i) Except in the case of a grant to a public agency where the applicable law contains provisions for the election of the members of the governing body of the agency or where a county board of supervisors acts as the governing body of the agency, before a public agency may enter into a contract with the department for a construction loan or a grant under this chapter, the public agency shall hold an election on the proposition of whether or not the public agency shall enter into the proposed contract and more than 50 percent of the votes cast at such election must be in favor of such proposition; provided, that if a higher percentage of favorable votes is required for the issuance of any bonds by the public agency or is required by the Constitution before the public agency may incur an indebtedness, such higher percentage shall apply in lieu of the percentage set forth in this subdivision. Such election shall be held in accordance with the following provisions:

(1) The procedure for holding an election on the incurring of bonded indebtedness by such public agency shall be utilized for an election on the proposed contract as nearly as the same may be applicable. Where the law applicable to such agency does not contain such bond election procedure, the procedure set forth in the Revenue Bond Law of 1941 (Chapter 6 (commencing with Section 54300) Part 1, Division 2, Title 5 of the Government Code), as it may now or hereafter be amended, shall be utilized as nearly as the same may be applicable.

(2) No particular form of ballot is required.

(3) The notice of the election shall include a statement of the time and place of the election, the purpose of the election, the general purpose of the contract, and the maximum amount of money to be borrowed from the State under the contract.

(4) The ballots for the election shall contain a brief statement of the general purpose of the contract substantially as stated in the notice of the election, shall state the maximum

amount of money to be borrowed from the State under the contract, and shall contain the words "Execution of contract—Yes" and "Execution of contract—No."

(5) The election shall be held in the entire public agency except where the public agency proposes to contract with the department on behalf of a specified portion, or of specified portions, of the public agency, in which case the election shall be held in such portion or portions of the public agency only.

(j) Every public agency is hereby granted the power to bring an action in the superior court of the county in which the office of such agency is situated to determine the validity of any contract made with the department under this chapter and the authority of the public agency to enter into the contract. The action shall be had as in the case of the judicial determination of the validity of the public agency's bonds, as nearly as the same may be applicable, and with like effect. Where the law applicable to such agency does not set forth a procedure for the judicial determination of the validity of the public agency's bonds, the action shall be had as in the case of the judicial determination of the general obligation bonds of irrigation districts under the Irrigation District Law (Division 11 (commencing with Section 20500) of this code), as it may now or hereafter be amended, as nearly as the same may be applicable, and with like effect.

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

The money applied for under the terms of the Davis-Grunsky Act which can be used pursuant to this act is necessary for the development of recreation and public fishing facilities that will serve thousands of visitors to the Santa Cruz area

Unless this act takes effect immediately, it will mean a delay of up to one year in the progress of this and other vital projects in this State.

CHAPTER 54

An act to amend Section 807 of the Agricultural Code, relating to pomegranates.

[Approved by Governor April 8, 1963. Filed with Secretary of State April 8, 1963.]

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

SECTION 1. Section 807 of the Agricultural Code is amended to read:

807. Pomegranates shall be mature, free from rot, and decay; and free from serious damage, due to sunburn, growth

cracks, cuts or bruises, or other causes. Damage to any one pomegranate, except damage caused by sunburn, is not serious unless it causes a waste of 10 percent, by weight, of the fruit. Damage caused by sunburn is not serious unless 20 percent of the seed arils of the fruit fail to show the characteristic reddish color of normal matured fruit.

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

Packed pomegranates shall not vary in any one container more than one-half of an inch in diameter, when measured through the widest portion of the cross section.

Pomegranates shall not be considered mature unless the juice from a composite sample of at least 10 percent of the fruit in any container contains not to exceed 1.85 percent of acid; however, no lot of pomegranates shall be considered as failing to meet the maturity requirements of this section because the sample from one container fails to meet the required test. In addition, pomegranates shall not be considered mature unless the juice is at least as dark in color as the shade of red shown by the Lovibond tintometer scale, red 20 plus yellow one, when measured in a $\frac{1}{4}$-inch cell.

All containers of pomegranates shall bear upon them in plain sight and in plain letters on one outside end: the name of the person who first authorized the packing of the pomegranates, or the name under which such packer is engaged in business, together with sufficiently explicit address to permit ready location of such packer; the name of the variety, if known, and when not known, the words "Unknown Variety"; and the count when packed.

CHAPTER 55

An act to amend Section 8341 of the Fish and Game Code, relating to importation of clams.

[Approved by Governor April 8, 1963. Filed with Secretary of State April 8, 1963.]

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

SECTION 1. Section 8341 of the Fish and Game Code is amended to read:

8341. All of the species of clams commonly known as littlenecks, chiones and hard-shell cockles, including thin-shelled littleneck, common littleneck, Japanese littleneck, rough-sided littleneck, smooth chione, wavy chione, and banded chione, may be taken at any time, except in the waters of Marin County, where they may be taken only between September 1st and March 31st.

No such clams measuring less than one and one-half inches in greatest diameter may be taken, possessed, transported, or sold.

The bag limit on such clams is 50 per day, in the aggregate. Not more than one daily bag limit of such clams may be possessed by any person during one day.

Clams of the species herein designated, when legally taken outside the State and brought within the State pursuant to this code, may be possessed, transported, and sold without restrictions, except that all shipments of such clams into this State shall be accompanied by a bill of lading, or invoice, showing the species, total number or weight, and the origin of the clams.

CHAPTER 56

An act to amend Section 50731 of, to add Section 50731.5 to, and to add Article 1.5 (commencing with Section 50740) to Chapter 2 of Part 4 of Division 15 of, the Water Code, relating to reclamation districts.

[Approved by Governor April 8, 1963. Filed with Secretary of State April 8, 1963.]

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

SECTION 1. Section 50731 of the Water Code is amended to read:

50731. Upon receipt of a recommendation of the board of trustees or of a verified petition of 20 percent of the landowners who, together, own at least 20 percent in value of the lands in the district, as determined from the next preceding tax roll of the county, the board of supervisors shall appoint a time, not less than 75 days nor more than 90 days after receipt of the petition, and place for holding the election.

SEC. 2. Section 50731.5 is added to the Water Code, to read:

50731.5. Nominations for the office of trustee shall be made by petition of five or more registered electors filed with the secretary not earlier than 75 days nor later than 12 o'clock on the 54th day before the election. Notice shall be published by the secretary that such petitions may be received at least seven days prior to the final date for receiving petitions.

SEC 3. Article 1.5 (commencing with Section 50740) is added to Chapter 2 of Part 4 of Division 15 of the Water Code, to read.

Article 1.5. Appointments in Lieu of Election

50740. If on the 54th day prior to a general district election one person only has been nominated for each of the positions of trustee to be filled at that election, or if no person has been

so nominated for any one or more of said offices, and a petition signed by 5 percent of the voters requesting that the election be held has not been presented to the board, an election shall not be held.

50741. In such case the publication provided for in Section 50732 shall instead of calling an election state that no election is to be held but that the board of supervisors will appoint those nominated for the positions of trustee; if no person has been nominated for said position, the board of supervisors will appoint any qualified person or persons.

50742 If pursuant to Section 50740 a district election is not held, the board of supervisors of the county in which the district, or the largest part thereof in area, is situated shall at its next regular meeting appoint to the positions of trustees those persons nominated, or if no persons have been nominated for said positions, the board of supervisors shall appoint any qualified person or persons, and such person or persons shall qualify, take office, and serve exactly as if elected at a general district election.

CHAPTER 57

An act to add Section 643.5 to the Penal Code, relating to guide dogs for the blind.

[Approved by Governor April 8, 1963. Filed with Secretary of State April 8, 1963.]

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

SECTION 1. Section 643.5 is added to the Penal Code, to read:

643.5. (a) Any blind person who is a passenger on any common carrier, airplane, motor vehicle, railroad train, motorbus, streetcar, boat, or any other public conveyance or mode of transportation operating within the State of California, shall be entitled to have with him a guide dog specially trained for that purpose, without being required to pay an additional charge therefor.

(b) Blind persons and their guide dogs shall not be denied admittance to any hotel, motel, public inn, public cafe, public elevator, or any other similar place within the State of California because of such guide dogs. Such blind persons shall not be required to pay any additional charges for their guide dog, but shall be liable for any damage done to the premises by their dogs.

(c) Any person, or persons, firm, association, or corporation, or the agent of any person, firm, association, or corporation, who shall violate the provisions of this act shall be guilty of a misdemeanor.

CHAPTER 58

An act to amend Section 8276 of the Fish and Game Code, relating to crabs.

[Approved by Governor April 8, 1963 Filed with Secretary of State April 8, 1963]

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

SECTION 1. Section 8276 of the Fish and Game Code is amended to read:

8276. Notwithstanding any other provisions of this code or any regulations made pursuant to this code:

(a) Crabs may be taken in Districts 6, 7, 8, and 9 only between December 15th and July 15th.

(b) Crabs may be taken in all other districts only between the second Tuesday in November and June 30th.

(c) Crabs may not be taken for commercial purposes in any district or part of a district lying within the portions of Crescent City Harbor between the south sand barrier and the breakwater.

This section shall remain in effect until the 91st day after the final adjournment of the 1965 Regular Session of the Legislature.

CHAPTER 59

An act to add Section 13444.5 to the Education Code, relating to school district employees.

[Approved by Governor April 8, 1963. Filed with Secretary of State April 8, 1963.]

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

SECTION 1. Section 13444.5 is added to the Education Code, to read:

13444.5. The provisions of Sections 13443 and 13444 shall not be construed as in any way modifying or affecting the provisions of Section 13442.

CHAPTER 60

An act to amend Section 666 of the Agricultural Code, relating to imitation dairy products.

[Approved by Governor April 8, 1963. Filed with Secretary of State April 8, 1963.]

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

SECTION 1. Section 666 of the Agricultural Code is amended to read:

666. It is unlawful, except as to oleomargarine or margarine, imitation ice cream or imitation ice milk sold, dealt in or furnished by a retail dealer or wholesale dealer, to engage in the business or occupation of manufacturing, selling, dealing in or furnishing, or to have in possession for any purpose other than for consumption in his own family, or for transportation in case of boats, railroads, or other carriers, or for the purpose of storage in the case of a warehouse or cold storage company, (a) imitation milk, (b) oleomargarine or margarine, colored oleomargarine or colored margarine, renovated butter or a substitute for butter, (c) imitation cheese or substitute for cheese, (d) imitation ice cream or imitation ice milk, (e) imitation cream, or (f) any other imitation milk product not otherwise listed herein, without first having applied for and obtained a license so to do. To engage in any such business or occupation, other than that of a retail dealer or wholesale dealer in oleomargarine or margarine or imitation ice cream or imitation ice milk, a person shall first apply each year to the director for a license, and upon payment of the license fee mentioned in Section 667 the director shall issue a license to engage in the business for which the license is issued. Separate licenses are required for each such business or occupation, except that no license shall be required of a retail dealer or wholesale dealer in oleomargarine or margarine or imitation ice cream or imitation ice milk.

CHAPTER 61

An act to amend Section 13908 of the Health and Safety Code, relating to fire protection districts.

[Approved by Governor April 9, 1963. Filed with Secretary of State April 9, 1963.]

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

SECTION 1. Section 13908 of the Health and Safety Code is amended to read:

13908. On or before the first day of July in any year the governing body of any city, the area of which is located entirely or partially within a district or districts, may elect to pay out of municipal funds the whole or a stated percentage of the amount of taxes which will be levied for district purposes for the fiscal year commencing upon said first day of July upon property located within such city.

The election shall be made by the adoption of an order reciting that the city, pursuant to this section, elects to pay the whole or a stated percentage of the amount of taxes which will be levied by the district upon property located within the incorporated limits of the city and stating the time and manner in which payment shall be made.

Upon the adoption of the order a certified copy of same shall be presented to the governing body of the district for its approval. If the governing board of the district is satisfied that the financial condition of the city reasonably will assure such payment and if the time and manner of payment is acceptable, the board shall by order approve the city's election to pay the taxes. Immediately upon the adoption of the order approving the city's election to pay the taxes, certified copies of both orders shall be filed with the county auditor, county assessor, and county tax collector.

Thereafter, if the whole of the taxes which are levied on property within the city is to be paid by the city, the county auditor shall not extend the district tax on such property, or if only a percentage of the tax which is levied on such property is to be paid by the city the auditor shall only extend the balance of the district tax on such property.

If the payment made by any city exceeds the total amount of district taxes which have been levied against property within the city, the amount of such excess without interest shall be refunded to the city prior to the close of the fiscal year for which the payment was made.

Any election to pay taxes pursuant to this section shall be effective only for the fiscal year for which made.

CHAPTER 62

An act to amend Section 12814 of the Vehicle Code, relating to drivers' licenses.

[Approved by Governor April 10, 1963. Filed with Secretary of State April 10, 1963.]

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

SECTION 1. Section 12814 of the Vehicle Code is amended to read:

12814. Application for renewal of a license shall be made at an office of the Department of Motor Vehicles by the person to whom the license was issued. The department may in its discretion require an examination of the applicant as upon an original application. In the event such person is absent from the State at the time the license expires, the Director of Motor Vehicles may extend the license for a period of one year from the expiration date of the license.

CHAPTER 63

An act relating to the acquisition and improvement of real property in the City of Sacramento, making an appropriation and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 10, 1963, Filed with Secretary of State April 10, 1963.]

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

SECTION 1. Notwithstanding the provisions of Section 13471 of the Government Code, the Director of Finance is hereby authorized to invest and there is hereby appropriated the sum of three hundred thousand dollars ($300,000) or so much thereof as may be necessary from the School Land Fund for the acquisition and improvement of real property located at the northeast corner of 15th Street and Capitol Avenue and at the southeast corner of 9th and Q Streets in the City of Sacramento for use as parking lots and as sites for state buildings and other improvements consistent with the Capitol Area Plan. The real property shall be acquired under the provisions of the Property Acquisition Law except that the Director of Finance shall have jurisdiction and control of the real property and shall hold and possess the real property as trustee for the benefit of the School Land Fund and for the purpose of liquidating said investment and paying interest thereon as hereinafter provided.

SEC. 2. The appropriation may be expended for the payment of all costs and expenses, including administrative costs, incurred in the acquisition or improvement of the real property.

SEC. 3. The Director of Finance may lease or sell all or any portion of the real property on such terms and conditions as he may determine and shall maintain, improve, and care for such property in order to secure rent therefrom. The director may sell, remove, or demolish buildings or other structures on the property when he deems it desirable to do so. All moneys collected pursuant to this section shall be deposited in the Special Deposit Fund for purposes set forth in Section 4 of this act.

SEC. 4. All costs or expenses, including administrative costs incurred in selling, maintaining, improving and caring for such real property or in demolishing, selling, or removing improvements therefrom, may be reimbursed or paid from moneys received pursuant to Section 3 of this act. After making the reimbursement or payment of such costs, upon order of the director the remaining moneys received pursuant to said Section 3 shall be deposited as hereinafter provided in the School Land Fund and the State School Fund until the total of all moneys withdrawn pursuant to this act plus an amount equal to 4 percent per annum on the unpaid balances

compounded and computed annually, has been deposited. Thereafter, moneys accruing shall be deposited in the General Fund and the Director of Finance shall have jurisdiction and control of the real property free of any trust or other obligations. Deposits of moneys in the School Land Fund and the State School Fund shall be made as follows: First, such sums as are necessary to pay the amount previously compounded and computed based on said 4 percent shall be deposited in the State School Fund; the remaining moneys, if any, shall be deposited in the School Land Fund.

SEC. 5. The appropriation made by this act shall be available for expenditure until June 30, 1964.

SEC. 6. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Land value of this property is subject to rapid increase and the public interest will suffer if acquisition is not commenced immediately. It is, therefore, necessary in order to protect the public interest in the prompt and economical acquisition of these properties for state purposes that this act take effect immediately.

CHAPTER 64

An act to amend Section 2418 of the Vehicle Code, relating to operation and equipment of ambulances.

[Approved by Governor April 11, 1963. Filed with Secretary of State April 11, 1963.]

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

SECTION 1. Section 2418 of the Vehicle Code is amended to read:

2418. (a) The department, after consultation with and pursuant to the recommendations of the State Department of Public Health, shall adopt, in accordance with the provisions of Chapter 4 (commencing with Section 11370), Part 1, Division 3, Title 2 of the Government Code, and enforce such reasonable regulations as it determines are necessary for the public health and safety regarding the operation and equipment of all ambulances used for emergency services. The department shall exempt, upon request of the county board of supervisors that such exemption is necessary for public health and safety, noncommercial ambulances operated within the county from such regulations adopted under this section as are specified in the board of supervisors' request. The State Department of Public Health shall be notified by the county boards of supervisors of any such exemptions.

This section shall not preclude the adoption of more restrictive regulations by local authorities.

(b) Violation of any provision of the regulations adopted by the department shall be a misdemeanor.

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

Presently, noncommercial ambulance service is inadequate in many rural areas of this State because of inability to meet the regulations of the Department of California Highway Patrol. In order that exemptions may be made to enable more noncommercial ambulances to operate, it is necessary that this act go into immediate effect.

CHAPTER 65

An act to add Section 43007 to, and to repeal Section 43005 of, the Government Code, and to add Section 155.8 to, and to repeal Section 155.6 of, the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor April 11, 1963. Filed with Secretary of State April 11, 1963.]

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

SECTION 1. Section 43007 is added to the Government Code, to read:

43007. Notwithstanding any other contrary provisions of law, the city legislative body may by ordinance provide that every person of the city who at 12 o'clock meridian of the first Monday in March of any year was the owner of, or had in his possession, or under his control, any taxable improvement, which improvement was thereafter destroyed without his fault by fire or by any other means prior to July 31 of that year and cannot be thereafter rebuilt because of a zoning prohibition, may on or before a date to be specified in such ordinance make application for the reassessment of such improvement and deliver to the assessing official of the city a written statement under oath, accompanied by a certificate of a disinterested competent person or authority showing the condition and value, if any, of the improvement immediately after the destruction, and that the assessor shall, on or before October 31 of that year, assess the improvement, or reassess it if it has already been assessed, according to the condition and value immediately after the destruction and upon such notice as it may find to be proper the board of equalization for the city may, until November 30 of that year, equalize any such assessment or reassessment. It may also be provided in

such ordinance that the tax rate fixed for property on the roll on which the improvement so assessed appears or the improvement so reassessed appeared at the time of its original assessment shall be applied to the amount of equalized assessment or reassessment determined in accordance with this section. In the event that the resulting figure is less than the tax theretofore computed, the ordinance may provide that the taxpayer shall be liable for tax only for the lesser amount and that the difference shall be canceled. If the taxpayer has already paid the tax previously computed, the ordinance may provide that such difference shall be refunded to the taxpayer. This section shall be applicable to all cities to which the Constitution does not prevent it from being applied.

SEC. 2. Section 43005 of said code is repealed.

SEC. 3. Section 155.8 is added to the Revenue and Taxation Code, to read:

155.8. Notwithstanding anything in this code to the contrary, every person who at 12 o'clock meridian of the first Monday in March of any year was the owner of, or had in his possession or under his control, any taxable improvement which improvement was thereafter destroyed without his fault by fire or by any other means prior to July 31 of that year and cannot be rebuilt because of a zoning prohibition may, on or before September 30 of that year, make application for reassessment of such improvement and deliver to the assessor a written statement under oath, accompanied by a certificate of a disinterested competent person or authority, showing the condition and value, if any, of the improvement immediately after the destruction. The assessor shall, on or before October 31 of that year, assess the improvement, or reassess it if it has already been assessed, according to the condition and value immediately after the destruction, and the assessor, if he reassesses the improvement, shall transmit to the board a description of the improvement so reassessed, the name of the person making the application in connection with the improvement, and the value of the improvement as so reassessed. Upon such notice as it may find to be proper, the local board of equalization may, until November 30 of that year, equalize any such assessment or reassessment.

The tax rate fixed for property on the roll on which the improvement so assessed appears or the improvement so reassessed appeared at the time of its original assessment shall be applied to the amount of the equalized assessment or reassessment determined in accordance with the last paragraph. In the event that the resulting figure is less than the tax theretofore computed, the taxpayer shall be liable for tax only for the lesser amount, and the difference shall be canceled. If the taxpayer has already paid the tax previously computed, such difference shall be refunded to him pursuant to Chapter 5 (commencing with Section 5096) of Part 9 of this division, as an erroneously collected tax.

SEC. 4. Section 155.6 of said code is repealed.

CHAPTER 66

An act to amend Section 682 of the Harbors and Navigation Code, relating to vessels.

[Approved by Governor April 11, 1963. Filed with Secretary of State April 11, 1963.]

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

SECTION 1. Section 682 of the Harbors and Navigation Code is amended to read:

682. An undocumented vessel shall not be required to be numbered under this article if it is:

(a) Already covered by a number in full force and effect which has been issued to it pursuant to federal law or a federally approved numbering system of another state; provided, that such undocumented vessel shall not have been within this State for a period in excess of 90 consecutive days.

(b) A vessel from a country other than the United States temporarily using the waters of this State.

(c) A public vessel of the United States, another state or subdivision thereof or municipality of such other state.

(d) A ship's lifeboat.

(e) Any vessel belonging to a class of boats which has been exempted from numbering by the commission after the commission has found that the numbering of vessels of such class will not materially aid in their identification; and, if any agency of the federal government has a numbering system applicable to the class of vessels to which the vessel in question belongs, after the commission has further found that the vessel would also be exempt from numbering if it were subject to the federal law. An undocumented vessel propelled solely by an electric motor of one horsepower or less operated commercially by a boat livery under a franchise from a city, city and county, or county; an undocumented vessel propelled solely by oars or paddles; and an undocumented vessel eight feet or less propelled solely by sail, is exempt from the provisions of this article.

CHAPTER 67

An act to add Article 9 (commencing with Section 2400) to Chapter 5 of, and Article 7 (commencing with Section 2930) to Chapter 8 of, Division 3 of the Health and Safety Code, relating to pest abatement.

[Approved by Governor April 11, 1963. Filed with Secretary of State April 11, 1963.]

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

SECTION 1. Article 9 (commencing with Section 2400) is added to Chapter 5, Division 3 of the Health and Safety Code, to read:

Article 9. Changes in Common Boundary

2400. Any mosquito abatement district or pest abatement district which has a common boundary with any mosquito abatement district or pest abatement district may make changes in the common boundary by the withdrawal of any territory which is contiguous from one district and its inclusion within the other district.

2401. The district board of each of the districts shall adopt a resolution of its intention to make changes in the common boundary with the consent of the district board of the other district. The resolution shall describe the proposed changes in the common boundary and set a place and a time, not less than 14 days nor more than 30 days subsequent to the adoption of the resolution, at which the property owners in any area affected by the proposed changes in the common boundary may appear and be heard.

2402. The district board of each district shall mail a copy of the resolution of intention to the district board of the other district and also cause a copy of the resolution to be published once in a newspaper of general circulation in each area affected by the proposed changes in the common boundary.

2403. At the time and place set for the hearing the district board shall hear any protests and objections to the proposed changes in the common boundaries. If, at the conclusion of the hearing, the district board determines that the proposed changes in the common boundary are in the best interests of the district, it shall adopt a resolution which describes and consents to the proposed changes in the common boundary.

2404. Each district board that adopts a resolution which consents to changes in its common boundary with another district shall mail a copy of the resolution to the district board of the other district. It shall also file a copy of the resolution with the State Board of Equalization and the county assessor. The changes in the common boundary of the districts shall be effective when each district board has filed with the State Board of Equalization a copy of a resolution adopted by it which consents to the same changes in the common boundary

2405. Any territory withdrawn from any district pursuant to this article shall continue to be subject to taxation to pay any indebtedness of the district which is outstanding and unpaid at the time the withdrawal becomes effective

2406. The provisions of Chapter 3 (commencing with Section 58850) and Chapter 3 5 (commencing with Section 58900), Division 1, Title 6 of the Government Code are not applicable to any proceeding to change the common boundary of districts pursuant to this article.

SEC. 2. Article 7 (commencing with Section 2930) is added to Chapter 8, Division 3 of said code, to read:

Article 7. Changes in Common Boundary

2930. Any mosquito abatement district or pest abatement district which has a common boundary with any mosquito abatement district or pest abatement district may make changes in the common boundary pursuant to Article 9 (commencing with Section 2400), Chapter 5 of this division.

CHAPTER 68

An act to amend Sections 42700, 42701 and 42726 of the Water Code, relating to water storage districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 11, 1963. Filed with Secretary of State April 11, 1963.]

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

SECTION 1. Section 42700 of the Water Code is amended to read:

42700. If any project, whether original, modified, substituted or other, already adopted under this part, remains uncompleted, whether in whole or in part, and any assessment levied under Part 9 (commencing with Section 46000) of this division on the basis of such project remains uncalled, either in whole or in part, and if the board finds, through resolution adopted by a two-thirds vote of its entire membership, that, for reasons explicitly stated in such resolution, such project should be materially modified or should be completely abandoned and another project be substituted in its place, then the board shall proceed under Chapter 1 (commencing with Section 42200) of this part to prepare and file with the department a new report which shall be complete in itself and which shall set up the existing project as materially modified or a new project to be substituted in its place.

SEC. 2. Section 42701 of said code is amended to read:

42701. The report shall specify what disposition or use shall be made in the new project or otherwise of such parts of the existing project as have been completed and are in process of completion and of such property as the district has acquired. An abandonment of such existing project shall not restore any project, original or other, which had been displaced by such existing project.

SEC. 3. Section 42726 of said code is amended to read:

42726. If the vote at either of the elections is favorable to the new report, the department shall proceed as required by this part and nothing further shall be done toward completion of the former project so modified or eliminated. If there is any uncalled portion of principal or interest of any outstanding assessment already levied and in effect to carry out

such former project, the board shall, by resolution, cancel so much thereof as is not required for a refund to landowners who have already paid all or a part of their pro rata share of the portion to be canceled. The board shall specify in this resolution the portion of the assessment levied against each tract which is to be canceled, describing each tract as described in the assessment roll or by the number of the tract as used in the assessment roll. These and subsequent proceedings under this section shall be governed by Sections 47806, 47807, 47808, 47809, and 47810.

SEC. 4. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Projects of water storage districts to provide necessary water as soon as possible for agricultural, domestic and other purposes of such districts need to be accelerated and the financing arrangements for such projects need to be facilitated and means for immediate abandonment or substantial modification of such projects to become effective at once, need to be provided.

CHAPTER 69

An act to amend Section 326 of the Probate Code, relating to probate of wills.

[Approved by Governor April 11, 1963. Filed with Secretary of State April 11, 1963.]

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

SECTION 1. Section 326 of the Probate Code is amended to read:

326. A petition for the probate of the will must state:

(1) The jurisdictional facts;

(2) Whether the person named as executor consents to act or renounces his right to letters testamentary;

(3) The names, ages and residences of the heirs, devisees and legatees of the decedent, so far as known to the petitioner;

(4) The character and estimated value of the property of the estate;

(5) The name of the person for whom letters testamentary are prayed.

Where the necessary jurisdictional facts actually exist but through defect of form or error, they or any of them are incorrectly stated in any petition or pleading, the court has and retains jurisdiction to correct the defect or error at any time. No such defect or error shall make the order admitting the will to probate or any subsequent proceeding void.

CHAPTER 70

An act to amend Sections 1243 and 1253 of the Code of Civil Procedure, relating to recordation of orders of condemnation and lis pendens.

[Approved by Governor April 11, 1963. Filed with Secretary of State April 11, 1963.]

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

SECTION 1. Section 1243 of the Code of Civil Procedure is amended to read:

1243. All proceedings under this title must be commenced in the superior court of the county in which the property sought to be taken is situated; provided, that where, of any one piece or article of property, or of any one interest in or to property, sought to be taken, a portion thereof is situated in one county and another portion thereof is situated in another county, the plaintiff may commence such proceedings in any of the counties where any portion of such piece or article of property, or interest in or to property, is situated, and the county so selected is the proper county for the trial of such proceedings; and provided, further, that when the plaintiff is a county, city and county, incorporated city or town, or a municipal water district, and the property sought to be taken is situated in more than one county, then the proceeding may be brought, at the option of the plaintiff, in any county wherein is situated any of the property sought to be taken, and said proceeding may be tried in said county, with reference to any property situated in the State; provided, however, that the right in this section granted to any plaintiff to commence and try an action in any county other than the county in which may be located any property in said action sought to be taken, shall be limited to property which is owned by the defendant, or by the defendant in common with the other defendants, or some of them. All such proceedings must be commenced by filing a complaint and issuing a summons. The provisions of this code for the change of place of trial of actions shall apply to proceedings under this title except as in this section otherwise provided. Nothing herein contained shall be construed to repeal any law of this State giving jurisdiction to the State Railroad Commission to ascertain the just compensation which must be paid in eminent domain proceedings. A lis pendens shall be recorded in the office of the county recorder at the time of the commencement of the action in every county in which any of the property to be affected shall be located.

SEC. 2. Section 1253 of said code is amended to read:

1253. When payments have been made and the bond given, if the plaintiff elects to give one, as required by Sections 1251 and 1252, the court shall make a final order of condemnation, which shall describe the property condemned, the estate or

interest acquired therein and the purposes of such condemnation. A certified copy of the order shall thereupon be recorded in the office of the recorder of the county in which the property is located. The title to the property described in the final order of condemnation vests in the plaintiff for the purposes described therein upon the date that a certified copy of the final order of condemnation is recorded in the office of the recorder of the county.

CHAPTER 71

An act to amend Section 2985.1 of the Civil Code, relating to transferability of real property sales contract.

[Approved by Governor April 11, 1963. Filed with Secretary of State April 11, 1963.]

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

SECTION 1. Section 2985.1 of the Civil Code is amended to read:

2985.1. A real property sales contract may not be transferred by the fee owner of the real property unless accompanied by a transfer of the real property which is the subject of the contract, and real property may not be transferred by the fee owner thereof unless accompanied by an assignment of the contract.

Nothing herein shall be deemed to prohibit the assignment or pledge of a real property sales contract, as security or for the purpose of effecting collection thereon, to the holder of a first lien on the real property which is the subject of the contract without a transfer of the real property or the transfer of a fee title in trust without the concurrent assignment of the sales contract.

CHAPTER 72

An act to repeal Section 13357 of the Vehicle Code, relating to driver's license.

[Approved by Governor April 11, 1963. Filed with Secretary of State April 11, 1963]

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

SECTION 1. Section 13357 of the Vehicle Code is repealed.

CHAPTER 73

An act to amend Section 12817 of the Vehicle Code, relating to drivers' licenses.

[Approved by Governor April 11, 1963. Filed with Secretary of State April 11, 1963.]

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

SECTION 1. Section 12817 of the Vehicle Code is amended to read:

12817 A California driver's license held by any person who enters or is in the United States armed forces shall continue in full force and effect so long as the service continues and the person remains absent from this State, and for not to exceed 30 days following the date on which the holder of such license is honorably separated from such service or returns to this State, unless the license is sooner suspended, canceled, or revoked for cause as provided by law. The license is valid only when in the immediate possession of the licensee while driving and the licensee has his discharge or separation papers, if he has been discharged or separated from the service, in his immediate possession.

CHAPTER 74

An act to amend Sections 310 and 12500 of the Vehicle Code, relating to driver's license.

[Approved by Governor April 11, 1963. Filed with Secretary of State April 11, 1963.]

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

SECTION 1. Section 310 of the Vehicle Code is amended to read:

310 "Driver's license" is a valid license to drive the type of motor vehicle or combination of vehicles for which a person is licensed under this code.

SEC. 2. Section 12500 of said code is amended to read:

12500. (a) No person shall drive a motor vehicle upon a highway unless he then holds a driver's license issued under this code, except such persons as are expressly exempted under this code.

(b) No such person shall drive a motor vehicle or combination of vehicles that is not of a type for which he is licensed.

CHAPTER 75

An act to amend Sections 455, 466, 562, 613, and 682 of, and to repeal Section 580 of, the Agricultural Code, relating to dairy products and imitation dairy products.

[Approved by Governor April 11, 1963 Filed with Secretary of State April 11, 1963]

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

SECTION 1. Section 455 of the Agricultural Code is amended to read:

455. (a) Cream is that portion of milk, rich in milk fat, which rises to the surface of milk on standing or is separated from it by centrifugal force. It shall be fresh and clean, and shall contain not less than 20 percent of milk fat.

(b) Cream which does not conform to the requirements of market cream is manufacturing cream and may be repasteurized once.

SEC. 2. Section 466 of said code is amended to read:

466. All cream, skim milk, buttermilk, ice cream, butter, cheese, or other milk products sold, designated or advertised as certified shall be conspicuously marked with the name of the commission certifying it and certifying the milk from which such cream, skim milk, buttermilk, ice cream, butter, cheese and other milk product is obtained.

SEC. 3. Section 562 of said code is amended to read:

562. Sweet butter for use in ice cream and ice milk is construed to be unsalted butter made from sweet cream free from undesirable flavor or odors, and having a rating of not less than 92 in accordance with the standards for quality of creamery butter as established in Sections 595 to 599, inclusive. Cream to which has been added ripener or starter, or cream which has been neutralized, is not construed to be sweet cream.

SEC. 4. Section 580 of said code is repealed.

SEC. 5. Section 613 of said code is amended to read:

613. (a) Uncreamed cottage cheese or cottage cheese is the soft uncured cheese prepared by the procedure set forth in paragraph (b) of this section. The finished cottage cheese contains not more than 80 percent of moisture and not more than 0.5 percent fat.

(b) One or more of the dairy ingredients specified in subdivision (1) of this paragraph is pasteurized; calcium chloride may be added in a quantity of not more than 0.02 percent (calculated as anhydrous calcium chloride) of the weight of the mix, harmless artificial coloring may be added; harmless lactic acid-producing bacteria, with or without rennet, are added and it is held until it becomes coagulated. The coagulated mass may be cut; it may be warmed; it may be stirred; it is then drained The curd may be washed with water and further drained; it may be pressed, chilled, worked, seasoned

with salt. Cottage cheese may also be made by any other comparable procedure approved by the director.

(1) The dairy ingredients referred to in subparagraph (b) of this paragraph are sweet skim milk, concentrated skim milk, and nonfat dry milk solids. If concentrated skim milk or nonfat dry milk solids is used, water may be added in a quantity not in excess of that removed when the skim milk was concentrated or dried.

(2) For the purposes of this section, the term "skim milk" means the milk of cows from which the milk fat has been separated, and "concentrated skim milk" means skim milk from which a portion of the water has been removed by evaporation.

(3) For the purposes of this section, cottage cheese made from goat milk is a special variety of cheese.

(4) The packaging of uncreamed cottage cheese or cottage cheese shall take place only in a licensed milk products plant.

SEC. 6. Section 682 of said code is amended to read:

682. Applications for tester's, sampler's and weigher's, technician's, pasteurizer's, or nonfat milk solid tester's licenses shall be made to the director who shall examine each applicant for the license applied for as to his qualifications and knowledge of the law applicable to him. Each application must be accompanied by the fee as follows:

(a) For a tester's license, five dollars ($5).

(b) For a sampler's and weigher's license, one dollar ($1).

(c) For a technician's license, five dollars ($5).

(d) For a pasteurizer's license, one dollar ($1).

(e) For a nonfat milk solids tester's license, five dollars ($5).

All such licenses expire on the 31st day of each December and may be renewed upon payment of a fee of one dollar ($1) if the licensee has complied with all the requirements of the law and rules and regulations applicable to him.

CHAPTER 76

An act to amend Section 16027 of the Vehicle Code, relating to security following accident.

[Approved by Governor April 11, 1963. Filed with Secretary of State April 11, 1963.]

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

SECTION 1. Section 16027 of the Vehicle Code is amended to read:

16027. (a) Whenever all judgments or settled claims referred to in this chapter have been discharged, or when exemption from the security requirement has been established under Article 3 of this chapter subsequent to the deposit of security, or a period of one year has elapsed following the accident or

following the deposit of security under subdivision (c) of Section 16053 and no action at law involving any of the claims was instituted and is pending, any security remaining on deposit shall be refunded to the person making the deposit or to a person designated by him.

(b) In the event that the deposit or any balance thereof is determined by the department to be refundable under the provisions of this section but remains unclaimed by the depositor or any other person entitled thereto for a period of five years following the date of such determination, the unclaimed deposit shall then be transferred to the Motor Vehicle Fund.

CHAPTER 77

An act to amend Section 24603 of the Vehicle Code, relating to stop lamps on vehicles.

[Approved by Governor April 11, 1963. Filed with Secretary of State April 11, 1963.]

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

SECTION 1. Section 24603 of the Vehicle Code is amended to read:

24603. Every motor vehicle and every vehicle at the end of a train of vehicles shall at all times be equipped with not less than one stop lamp on the rear which shall emit a red or amber light and which shall be actuated upon application of the service (foot) brake and the hand control head for air, vacuum, or electric brake and which may but need not be incorporated with a tail lamp. Every such new vehicle, other than a motorcycle, first registered after January 1, 1958, shall be equipped with not less than two such stop lamps on the rear. Such stop signals shall be plainly visible and understandable from a distance of 300 feet to the rear both during normal sunlight and at nighttime, except that stop lamps on a vehicle of a size required to be equipped with clearance lamps shall be visible from a distance of 500 feet during such times. Whenever any vehicle is equipped with two stop lamps, both stop lamps shall be in good working order. The stop lamp on that side of a vehicle toward which a turn will be made may flash as part of the turn signal lamp.

CHAPTER 78

An act to amend Sections 25100 and 25101 of the Vehicle Code, relating to display of side-marker and clearance lamps on vehicles.

[Approved by Governor April 11, 1963. Filed with Secretary of State April 11, 1963.]

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

SECTION 1. Section 25100 of the Vehicle Code is amended to read:

25100. (a) Except as provided in subdivisions (b) and (d), every vehicle 80 inches or more in overall width shall be equipped during darkness as follows:

(1) At least one amber clearance lamp at each side on the front and at least one red clearance lamp at each side on the rear.

(2) At least one amber side-marker lamp on each side near the front and at least one red side-marker lamp on each side near the rear.

(3) At least one amber side-marker lamp on each side at or near the center on trailers and semitrailers 30 feet or more in length and which are manufactured and first registered after January 1, 1962.

(b) The following vehicles when 80 inches or more in overall width and not equipped as provided in subdivision (a) shall be equipped during darkness as follows:

(1) Truck tractors shall be equipped with at least one amber clearance lamp at each side on the front of the cab or sleeper and may be equipped with amber side-marker lamps on each side.

(2) Pole or pipe dollies shall be equipped with at least one combination clearance and side-marker lamp on each side showing red to the front, side and rear.

(3) Vehicles, except truck tractors, which are 80 inches or more in width over a distance not exceeding three feet from front to rear shall be equipped with at least one amber combination clearance lamp and side-marker lamp on each side visible from the front, side, and rear if the projection is near the front of the vehicle and at least one such red lamp if the projection is near the rear of the vehicle.

(4) Towing motor vehicles engaged in driveaway-towaway operations shall be equipped with at least one amber clearance lamp at each side on the front and at least one amber side-marker lamp on each side near the front.

(5) Towed motor vehicles engaged in driveaway-towaway operations shall be equipped with at least one amber side-marker lamp on each side of intermediate vehicles, and the rearmost vehicle shall be equipped with at least one red side-marker lamp on each side and at least one red clearance lamp at each side on the rear.

(c) Loads extending beyond the side of a vehicle where the overall width of vehicle and load is 80 inches or more shall be equipped with an amber combination clearance and side-marker lamp on the side at the front and a red combination clearance and side-marker lamp on the side at the rear. In lieu of the foregoing requirement, projecting loads not exceeding three feet from front to rear at the extreme width shall be equipped with at least one amber combination clearance and side-marker lamp on the side visible from the front, side, and rear if the projection is near the front of the vehicle and at least one such red lamp if the projection is near the rear of the vehicle.

(d) Clearance and side-marker lamps are not required on auxiliary dollies and passenger vehicles.

(e) Clearance lamps shall be visible from all distances between 500 feet and 50 feet to the front or rear of the vehicle, and side-marker lamps shall be visible from all distances between 500 feet and 50 feet to the side of the vehicle. Clearance lamps shall, so far as is practicable, be mounted to indicate the extreme width and height of the vehicle except that front clearance lamps on flatbed trucks shall be mounted on the front of the bed if it extends beyond the side of the cab. Side-marker lamps shall be mounted so the lenses project to the outer extremity of vehicle or load. Clearance lamps may be combined with side-marker lamps provided the combination lamp meets the requirements for both types of lamp and is mounted as specified for side-marker lamps.

SEC. 2. Section 25101 of said code is amended to read:

25101 A trailer coach having a total outside width of less than 80 inches shall be equipped with one red combination side-marker and clearance lamp on each side near the rear

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CHAPTER 79

An act to repeal Section 6118 of the Business and Professions Code, relating to the practice of law.

[Approved by Governor April 11, 1963. Filed with Secretary of State April 11, 1963.]

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

SECTION 1. Section 6118 of the Business and Professions Code is repealed.

CHAPTER 80

An act to add Section 27463.5 to the Government Code, relating to coroners.

[Approved by Governor April 11, 1963. Filed with Secretary of State April 11, 1963]

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

SECTION 1. Section 27463.5 is added to the Government Code, to read:

27463.5. In lieu of the "coroner's register," the coroner may keep an official file for each deceased person containing all of the information required by Section 27463. At any time more than five years after the last entry in the file, the coroner may photograph or microphotograph the contents of the file in accordance with the provisions of Section 26205 and when the photographs or microphotographs are placed in conveniently accessible files and provision is made for preserving, examining and using the same the original file may be destroyed.

CHAPTER 81

An act making an appropriation to the Department of Finance for allocation for the repair, restoration, or replacement of public property damaged or destroyed by storm and flood or flood conditions, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 11, 1963. Filed with Secretary of State April 11, 1963.]

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

SECTION 1. The appropriation made by Item 446.7, Budget Act of 1958, as amended by Section 12, Budget Act of 1960, shall be available for the purposes of the Emergency Flood Relief Law (Article 6 (commencing with Section 54150) Chapter 5, Part 1, Division 2, Title 5, Government Code) for damage or destruction by storm and flood or flood conditions which has occurred between October 1, 1962, and July 1, 1963, and the local agency has applied to the Department of Finance for an allocation of funds on or before October 1, 1963.

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

The recent storms and floods occurring in various counties of the State, including Plumas, Sierra, Lassen, Modoc, Siskiyou, Shasta, Tehama, Trinity, Nevada, Placer, El Dorado,

Alpine, and Mono Counties, have caused severe damage and destruction to essential public facilities and property in said counties, including public facilities supplying domestic water to inhabitants and roads and bridges providing the sole means of transportation of persons and property. In order that funds may be made available immediately for the repair, restoration, or replacement of such public facilities and property, it is essential that this act go into immediate effect.

CHAPTER 82

An act to amend Section 12880 of the Water Code, relating to state financial assistance for local water projects, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 11, 1963. Filed with Secretary of State April 11, 1963.]

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

SECTION 1. Section 12880 of the Water Code is amended to read:

12880. In furtherance of the development, control and conservation of the water resources of the State and the State Water Resources Development System it is the policy of the State to provide financial assistance to public agencies for the construction of water projects to meet local requirements in which there is a statewide interest by making grants or loans, or both, and by participating in the construction and operation of water projects, and also to provide financial assistance to public agencies for the preparation of certain feasibility reports on such water projects by making loans, in accordance with this chapter.

(a) As used in this chapter, "project" means any construction or improvement by a public agency for the diversion, storage, or distribution of water primarily for domestic, municipal, agricultural, industrial, flood control or power production purposes. "Public agency" means any city, county, district or other political subdivision of the State. "Feasibility report" means such report on the feasibility of a public agency's proposed project as the department may require the public agency to file with the department in support of an application by the public agency under this chapter for a loan for the construction of the proposed project.

(b) The proposed project may be approved for assistance only if it is determined that the project substantially conforms to the California Water Plan, is engineeringly feasible, economically justified, and, if a loan is proposed, that there is reasonable assurance, commensurate with the need for the proposed project, that the public agency can repay it. A loan for the preparation of a proposed feasibility report on a

proposed project may be approved only if it is determined that there is reasonable assurance that the public agency can repay the loan and only if the agency receives a favorable written reply from the department on a written request for a preliminary determination of eligibility for a loan for the construction of the proposed project filed with the department by the agency under the regulations of the department promulgated pursuant to this chapter.

(c) Grants in furtherance of a project may be made for the following purposes:

(1) For the part of the construction cost of the proposed project properly allocated to the enhancement of fish and wildlife incidental to the primary functions of the project.

(2) For the part of the construction cost of the dam and reservoir of the proposed project properly allocated to recreational functions of statewide interest that are incidental to the primary functions of the project. Such construction costs may include expenditures for lands located above the high waterline of reservoirs which are necessary or desirable for public recreation in connection with the reservoir.

(d) Loans may be made only for projects primarily for domestic, municipal, agricultural, or industrial purposes Such loans may be made for all or any part of the construction cost of any such project but in no event shall any such loan be in an amount which is greater than the portion of the construction cost of the project which the department finds to be beyond the reasonable ability of the public agency to finance from other sources. Such loans shall be repayable over a period not to exceed 50 years. A period of development of not exceeding 10 years may be allowed within such maximum 50-year repayment period, during which no payments on the principal of such loans shall be required, when in the department's judgment such development period is justified under the circumstances.

(e) Loans may be made for all or any part of the cost of the preparation of proposed feasibility reports on proposed projects, but in no event shall any such loan be in an amount which is greater than the portion of the cost of the preparation of the proposed feasibility report which the department finds to be beyond the reasonable ability of the public agency to finance from other sources. Such loans shall be repayable over a period not to exceed 10 years.

(f) If in order to accomplish the objectives of this chapter it is necessary to construct a project that is beyond the requirements of the public agency constructing the project, the State may participate in planning, designing, constructing, operating and maintaining the project, and in financing those costs of the project in excess of the costs necessary to meet the requirements of the public agency, on terms agreed upon with the agency, to the end that the project shall accomplish the maximum water development objectives at a minimum total expenditure.

(g) Applications for loans or grants or financial participation by the State under this chapter shall be made to the department in such form and with such supporting material as may be prescribed by the department. A report on each application shall be prepared by the department and filed with the Legislature. In such reports the department shall make findings as to the nature and extent of the statewide interest in the project, the public necessity for the project, the urgency of the need, and the engineering feasibility, economic justification, and financial feasibility of the project; provided, that in the case of reports on applications for loans for the preparation of proposed feasibility reports, in lieu of the above findings, the department shall make findings with respect to the public necessity for and urgency of need of the proposed project and the ability of the applicant to repay the requested loan for the preparation of the proposed feasibility report.

(h) Notwithstanding any provision of law to the contrary, every public agency empowered by law to construct and operate a project, as defined in subdivision (a) of this section, is hereby granted, in addition to and not in derogation or limitation of the powers conferred upon the public agency by any other law, the power:

(1) To borrow money from and repay the same with interest to the State in accordance with this chapter on behalf of the entire public agency or of any portion or portions thereof for which the law applicable to the agency authorizes an indebtedness or liability to be incurred, including any improvement district, distribution district, or zone within the public agency, notwithstanding any debt limitation or other provision in the law applicable to such agency which might otherwise preclude or limit such borrowing.

(2) To enter into a contract with the department, on behalf of the entire public agency, or of any portion or portions thereof referred to in paragraph (1) of this subdivision (h), for a loan or grant under this chapter or for participation by the State in a local project under subdivision (f) of this section and to use the loan or grant contracted for as an additional or alternative means of financing the project proposed by the public agency.

(3) To comply with the provisions of any contract entered into with the department under this chapter, including any provision which obligates the public agency, or any specified portion or portions thereof, to meet all commitments, financial or otherwise, undertaken by the public agency in such contract notwithstanding any individual default by its constituents or others in the payment to the public agency of taxes, assessments, tolls, or other charges levied by the public agency.

(4) To include recreation and enhancement of fish and wildlife, or either of them, as functions incidental to the primary functions of a project which the public agency is empowered by law to construct and operate, and to construct and operate the project for such incidental recreation and enhancement of

fish and wildlife functions, or either of them, in accordance with the provisions of a grant contract entered into with the department, including provisions for public use of the project facilities for fishing and other recreational activities

(5) To construct and operate such onshore recreational facilities, fish and wildlife enhancement facilities or other facilities as the department or the Legislature may require in connection with a grant to the public agency under this chapter, and to construct and operate such facilities in accordance with the provisions of a grant contract entered into with the department, including provisions for public use of such facilities for fishing and other recreational activities.

(6) To annually levy or cause to be levied upon all property in the public agency, or in any portion or portions thereof, subject to taxation or assessment by the public agency an ad valorem tax or assessment, based upon the assessed valuation of such property, necessary and sufficient to meet all commitments, financial or otherwise, of the public agency that are set forth in any contract which the agency enters into with the department under this chapter, in addition to any other taxes or assessments which the public agency is authorized to levy or cause to be levied on such property and notwithstanding any provision in the law applicable to such agency which might otherwise preclude or limit such taxing or assessing. Where the law applicable to such public agency does not set forth a procedure for levying and collecting taxes or assessments on an ad valorem basis, such public agency shall utilize the procedure for levying and collecting taxes for the payment of principal and interest on general obligation bonds of municipal water districts, set forth in the Municipal Water District Act of 1911 (Chapter 671, Statutes of 1911), as it may now or hereafter be amended, for the purpose of levying and collecting taxes or assessments necessary and sufficient to meet commitments in a contract entered into under this chapter.

(7) To make charges for the furnishing of services from the project for which the public agency receives financial assistance under this chapter and to pledge and use any or all revenues received from the collection of such charges for the purpose of meeting the commitments, financial or otherwise, of the public agency that are set forth in any contract which the public agency enters into with the department under this chapter

(8) To perform all acts and do all things that are necessary or convenient to carry out the above powers.

(i) Except in the case of a grant to a public agency where the applicable law contains provisions for the election of the members of the governing body of the agency or where a county board of supervisors acts as the governing body of the agency, before a public agency may enter into a contract with the department for a construction loan or a grant under this chapter, the public agency shall hold an election on the proposition of whether or not the public agency shall enter into the proposed contract and more than 50 percent of the votes cast

at such election must be in favor of such proposition; provided, that if a higher percentage of favorable votes is required for the issuance of any bonds by the public agency or is required by the Constitution before the public agency may incur an indebtedness, such higher percentage shall apply in lieu of the percentage set forth in this subdivision. Such election shall be held in accordance with the following provisions:

(1) The procedure for holding an election on the incurring of bonded indebtedness by such public agency shall be utilized for an election on the proposed contract as nearly as the same may be applicable. Where the law applicable to such agency does not contain such bond election procedure, the procedure set forth in the Revenue Bond Law of 1941 (Chapter 6 (commencing with Section 54300) Part 1, Division 2, Title 5 of the Government Code), as it may now or hereafter be amended, shall be utilized as nearly as the same may be applicable.

(2) No particular form of ballot is required.

(3) The notice of the election shall include a statement of the time and place of the election, the purpose of the election, the general purpose of the contract, and the maximum amount of money to be borrowed from the State under the contract.

(4) The ballots for the election shall contain a brief statement of the general purpose of the contract substantially as stated in the notice of the election, shall state the maximum amount of money to be borrowed from the State under the contract, and shall contain the words "Execution of contract—Yes" and "Execution of contract—No."

(5) The election shall be held in the entire public agency except where the public agency proposes to contract with the department on behalf of a specified portion, or of specified portions, of the public agency, in which case the election shall be held in such portion or portions of the public agency only.

(j) Every public agency is hereby granted the power to bring an action in the superior court of the county in which the office of such agency is situated to determine the validity of any contract made with the department under this chapter and the authority of the public agency to enter into the contract. The action shall be had as in the case of the judicial determination of the validity of the public agency's bonds, as nearly as the same may be applicable, and with like effect. Where the law applicable to such agency does not set forth a procedure for the judicial determination of the validity of the public agency's bonds, the action shall be had as in the case of the judicial determination of the general obligation bonds of irrigation districts under the Irrigation District Law (Division 11 (commencing with Section 20500) of this code, as it may now or hereafter be amended, as nearly as the same may be applicable, and with like effect.

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

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

The money applied for under the terms of the Davis-Grunsky Act which can be used pursuant to this act is necessary for the development of recreation and public fishing facilities that will serve thousands of visitors to the Santa Cruz area.

Unless this act takes effect immediately, it will mean a delay of up to one year in the progress of this and other vital projects in this State.

CHAPTER 83

An act to amend Section 6951 of the Education Code, relating to children in children's institutions.

[Approved by Governor April 11, 1963. Filed with Secretary of State April 11, 1963.]

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

SECTION 1. Section 6951 of the Education Code is amended to read:

6951. Whenever a school district provides education in kindergarten or grades 1 through 12 for children who reside in a regularly established nonprofit, tax-exempt, licensed children's institution located either within or without the boundaries of the district, the district shall be reimbursed for the actual cost of educating each such child by the county or city and county in which the child resided prior to his admission to the children's institution. If the child's prior residence cannot be ascertained or if his residence was outside the State of California, the district shall be reimbursed for the actual cost of educating such child by the county or city and county in which the institution is located. The pupil residing in an institution under this section does not acquire residence in the district wherein the institution is located during the period of residence in this institution.

CHAPTER 84

An act to amend Sections 17052 and 17101 of the Education Code, relating to cafeteria funds of school districts.

[Approved by Governor April 11, 1963. Filed with Secretary of State April 11, 1963.]

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

SECTION 1. Section 17052 of the Education Code is amended to read:

17052. The cafeteria fund shall be used only for such expenditures as are necessary for the operation of school cafeterias. However, when the average daily attendance of a school district or of two or more school districts governed by governing boards of identical personnel is 400,000 or more as shown by the annual report of the county superintendent of schools for the preceding fiscal year, the governing board may make expenditures from the cafeteria fund for the lease or purchase of additional cafeteria equipment for the central processing plant, and of vending machines and their installation and housing.

SEC. 2. Section 17101 of said code is amended to read:

17101. The cost of housing and equipping cafeterias is a charge against the funds of the school district. However, when the average daily attendance of a school district or of two or more school districts governed by governing boards of identical personnel is 400,000 or more as shown by the annual report of the county superintendent of schools for the preceding year, the governing board may make the cost of the lease or purchase of additional cafeteria equipment for a central processing plant, and of vending machines and their installation and housing, a charge against cafeteria funds. If school district funds are expended for the lease or purchase of additional cafeteria equipment for a central food processing plant, or for the lease, purchase, installation, or housing of vending machines, the governing board may at any time within five years after such expenditure reimburse school district funds from cafeteria funds.

The governing board of a school district may by resolution make the cost of maintenance of the physical plant used in connection with cafeterias, the cost of replacement of equipment, and the cost of telephone charges, water, electricity, gas, coal, wood, fuel oil, and garbage disposal a charge against the funds of the school district.

CHAPTER 85

An act to amend Section 464 of the Agricultural Code, relating to serving of milk.

[Approved by Governor April 11, 1963. Filed with Secretary of State April 11, 1963]

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

SECTION 1. Section 464 of the Agricultural Code is amended to read:

464. When served by any school, hospital, hotel, boarding-house, restaurant, soda fountain, lunch counter or other places where food or drink is served to the public, market milk shall

be served in the individual service bottle or container which has been filled and capped or sealed in a milk room, properly designed and equipped as approved by the director, the cap or seal of which shall not be removed except in the presence of the consumer or patron. This section does not apply to market cream. This section does not prohibit the serving of homogenized market milk from a milk dispensing device which has been approved for such use by the director in accordance with Section 461. This section does not apply to any private boarding school licensed pursuant to Chapter 1 (commencing with Section 1620) of Part 3, Division 2 of the Welfare and Institutions Code which is also a private full-time day school within the meaning of Section 12154 of the Education Code or to any fraternity, sorority, dormitory or eating club, the existence of which is authorized or approved by the board of trustees or other governing agency of a college or university.

CHAPTER 86

An act to add Section 639.1 to the Agricultural Code, relating to whipped cream mix or cream topping mix.

[Approved by Governor April 11, 1963. Filed with Secretary of State April 11, 1963.]

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

SECTION 1. Section 639.1 is added to the Agricultural Code, to read:

639.1. Whipped cream mix or cream topping mix is a milk product containing not less than 20 percent of milk fat, not more than 30,000 bacteria per milliliter, after pasteurization, and containing one or more of the following ingredients: sweetening, harmless flavoring or coloring or harmless edible stabilizer not exceeding one-half of 1 percent. The product may contain added nonfat milk solids. It shall be manufactured and processed in a licensed milk products plant. It shall be made from cream which contains not more than 150,000 bacteria per milliliter.

Whipped cream mix or cream topping mix shall be served only from pressurized containers charged with nitrous oxide or other approved inert harmless gas. The charging of containers with the gas shall be done either in a licensed milk products plant or in premises where food and drink is served to the public.

Whipped cream mix or cream topping mix shall be labeled with the name of the product and the name and address of the manufacturer.

CHAPTER 87

An act to amend Section 13361 of the Vehicle Code, relating to drivers' licenses.

[Approved by Governor April 11, 1963. Filed with Secretary of State April 11, 1963.]

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

SECTION 1. Section 13361 of the Vehicle Code is amended to read:

13361. The department may suspend the privilege of any person to operate a motor vehicle upon receipt of a duly certified abstract of the record of any court showing that the person has been convicted of any of the following crimes or offenses:

(a) Failure to stop in the event of an accident resulting in damage to property only, or otherwise failing to comply with the requirements of Section 20002.

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

(c) Failure to stop upon striking an unattended vehicle, or otherwise failing to comply with the requirements of Section 20007.

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

CHAPTER 88

An act to amend Section 19615.5 of the Education Code, relating to state school building aid, declaring the urgency thereof to take effect immediately.

[Approved by Governor April 15, 1963. Filed with Secretary of State April 15, 1963.]

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

SECTION 1. Section 19615.5 of the Education Code is amended to read:

19615.5. The provisions of this section shall apply: (1) to any school district which has succeeded to and become vested with all duties, powers, purposes, jurisdiction, and responsibility with respect to a portion of an apportionment determined or redetermined to have been expended, or to be expendable, for property acquired or to be acquired by it, and which has become liable for a portion of the annual repayment of a portion of an apportionment, as provided in Sections 19662; and (2) to any state-aided district a portion of the territory of which was transferred to a district described in

(1), above, and in connection with which territory a portion of an apportionment made to such state-aided district has or will be expended for property acquired or to be acquired.

If, on or before June 30th of any fiscal year, the governing board of any such school district files a request with the State Controller for a deferment of the annual repayment due from such district during the next succeeding fiscal year for an apportionment received by the district pursuant to this chapter, and it is determined, in accordance with this section, that the district is entitled to a deferment of all or part of such annual repayment, the deferment shall be made in accordance with such determination. The request for deferment, once filed with the State Controller, shall remain in effect in each ensuing year, and the State Controller shall continue to compute and allow the deferment in accordance with this section each year, until such time as the governing board of the school district files a written request with the State Controller to discontinue the deferment.

The portion of the annual repayment to be deferred under this section shall be determined as follows:

There shall be computed the amount required to be raised by taxes on property within the district during the fiscal year in which the annual repayment is to be deducted pursuant to Section 19611, for the payment of principal and interest on: (a) that portion of the annual repayment and all other payments due the State under Section 19604 and other provisions of this chapter with respect to the portion of the apportionment for which the district has been determined to be liable under Section 19662; (b) any bonded indebtedness incurred for school purposes prior to the first conditional apportionment to the school district under this chapter; (c) any bonded indebtedness which was incurred as a condition to any apportionment under this chapter; and (d) any bonded indebtedness incurred, the proceeds of which were required to be contributed for the purposes for which an apportionment was made under this chapter. To this amount shall be added the amount required during such fiscal year, for the annual repayment of school building apportionments under this chapter. The total of these amounts shall constitute the "basic tax amount."

If the applicant district is a unified district, the amount to be deferred shall be separately considered for each grade level thereof. For this purpose, the basic tax amount shall only include the amounts specified in the preceding paragraph required to be raised for the repayment of principal and interest on bonded indebtedness which was incurred for, or as a condition to receiving an apportionment for, or required by the board to be contributed for the purposes of, the grade level being considered, plus those amounts required for the annual repayment of apportionments made under this chapter for such grade level.

There shall be computed the amount which would be produced by a tax of forty cents ($0.40) on each one hundred dollars ($100) of assessed valuation of the district during such year, to be known as the "40-cent tax amount." The amount of the annual repayment to be deferred during the fiscal year in which the annual repayment is due shall be the amount, if any, by which the basic tax amount exceeds the 40-cent tax amount. The amount deferred shall be added to the annual repayment for the next succeeding fiscal year.

On or before the last day of July of each fiscal year, the State Controller shall request the Director of Finance to, and the Director of Finance shall, determine and certify to the State Controller the amount of bonded debt service included in the "basic tax amount." On or before the third Monday in August of each fiscal year, the State Controller shall request the county auditor of each county to, and the county auditor of each county shall, determine and certify to the State Controller the current assessed valuation of property within each district which has filed a request for a deferment under this section.

Before the date on which the board of supervisors makes the levy of taxes for county purposes, the State Controller shall make the deferment determination required by this section for each district requesting a deferment, and, for each district which is entitled to a deferment, shall notify, in writing, the board of supervisors of the county, the governing board of the district, the county auditor, and the county superintendent of schools having jurisdiction over the district of the amount of the repayment of the district which is to be deferred under this section.

For the purposes of this section the "annual repayment" means the amount of the annual repayment of the district due in a fiscal year as determined pursuant to Section 19604, plus the then unpaid deferred amount of any annual repayment due in any previous fiscal years.

Notwithstanding any other provision of this chapter, if, at the end of the 30-year period provided in Section 19614 there are any deferred amounts due in any previous fiscal year remaining unpaid, repayments shall continue to be made in the manner provided by this section during each fiscal year thereafter until the amounts are paid, or for an additional period of 10 years, whichever first occurs. At the expiration of the additional 10-year period the unpaid portion of the deferred amounts shall be canceled on the books of the State Controller, and the provisions of Section 19614 shall thereupon become applicable thereto and the board shall execute a conveyance to the district as provided in Section 19616.

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall

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

A state-aided school district, which has lost territory in connection with which an acquiring district has assumed a portion of a state school building aid repayment obligation, may upon receiving subsequent building aid loans, incur excessive repayment obligations because additional new bonded indebtedness incurred is not includable in modifying the repayment computation for the earlier apportionment. It is necessary that the law be revised to make adequate provision for adjusting repayment computations to eliminate this inequity. Because one or more school district reorganization proposals are to be submitted to the district electors in the immediate future it is necessary that this act take effect immediately.

CHAPTER 89

An act to amend Section 3076 of the Labor Code, relating to apprenticeship.

[Approved by Governor April 15, 1963. Filed with Secretary of State April 15, 1963.]

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

SECTION 1. Section 3076 of the Labor Code is amended to read:

3076. The function of the joint apprenticeship committee shall be to work in an advisory capacity with employers and employees in matters regarding schedule of operations, application of wage rates, working conditions for apprentices, the number of apprentices which shall be employed in the trade under apprentice agreement under this chapter, in accordance with labor standards set up by the Apprenticeship Council except as specific written authority is delegated to the joint apprenticeship committee by the parent bodies they represent; and to aid in the adjustment of apprenticeship disputes as they affect labor standards.

CHAPTER 90

An act to add Section 39561.5 to, and to amend Section 39581 of, the Government Code, relating to weed abatement, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 15, 1963. Filed with Secretary of State April 15, 1963.]

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

SECTION 1. Section 39561.5 is added to the Government Code, to read:

39561.5. "Weeds," as used in this article, includes any of the following:

(a) Weeds which bear seeds of a downy or wingy nature.

(b) Sagebrush, chaparral, and any other brush or weeds which attain such large growth as to become, when dry, a fire menace to adjacent improved property.

(c) Weeds which are otherwise noxious or dangerous.

(d) Poison oak and poison ivy when the conditions of growth are such as to constitute a menace to the public health.

(e) Dry grass, stubble, brush, litter, or other flammable material which endangers the public safety by creating a fire hazard.

SEC. 2. Section 39581 of said code is amended to read:

39581. The amount of the assessment shall be collected at the time and in the manner of ordinary municipal taxes. If delinquent, the amount is subject to the same penalties and procedure of foreclosure and sale provided for ordinary municipal taxes.

The legislative body may determine that, in lieu of collecting the entire assessment at the time and in the manner of ordinary muncipal taxes, such assessments of fifty dollars ($50) or more may be made in annual installments, in any event not to exceed five, and collected one installment at a time at the times and in the manner of ordinary municipal taxes in successive years. If any installment is delinquent, the amount thereof is subject to the same penalties and procedure for foreclosure and sale provided for ordinary municipal taxes. The payment of assessments so deferred shall bear interest on the unpaid balance at a rate to be determined by the legislative body, not to exceed 6 percent per annum.

SEC. 3. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Due to the unusually dry winter weather in parts of the State, the dangers of brush fires are greater this year than previously, and it is imperative that cities be authorized to commence weed and brush abatement proceedings immediately to minimize loss from such fires. Therefore, it is necessary that this act go into effect immediately.

CHAPTER 91

An act to amend Section 646 of the Probate Code, relating to administration of estates.

[Approved by Governor April 15, 1963. Filed with Secretary of State April 15, 1963]

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

SECTION 1. Section 646 of the Probate Code is amended to read:

646. If the court finds that the net value of the estate exceeds five thousand dollars ($5,000), or that the surviving spouse or minor child has other estate of twelve thousand five hundred dollars ($12,500) in value, or that there is neither a surviving spouse nor a minor child, it shall act upon the petition for probate or for letters of administration in the same manner as though no petition to set aside the estate had been included, and the estate shall then be administered in the usual manner.

CHAPTER 92

An act to repeal Chapter 1413 of the Statutes of 1957, relating to the Mono County Public Utility District.

[Approved by Governor April 15, 1963. Filed with Secretary of State April 15, 1963]

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

SECTION 1. Chapter 1413 of the Statutes of 1957 is repealed.

SEC. 2. The Mono County Public Utility District is hereby dissolved.

CHAPTER 93

An act to amend Section 782 of the Probate Code, relating to publication of notice in private sales of real property.

[Approved by Governor April 15, 1963. Filed with Secretary of State April 15, 1963.]

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

SECTION 1. Section 782 of the Probate Code is amended to read:

782. In the case of a private sale, the notice must state a place where bids or offers will be received, and a day on or after which the sale will be made, and the sale must not be made before that day, but must be made within one year

thereafter; but if it is shown that it will be for the best interests of the estate, the court or judge may, by an order, shorten the time of notice required by Section 6063a of the Government Code to one week, and such notice must then be published pursuant to Section 6061 of the Government Code or, in proper cases, posted for one week prior to the date of the sale or, in the case of a private sale, prior to the day on or after which the sale is to be made and otherwise in accordance with Section 780 of this code. The bids or offers must be in writing, and may be left at the place designated in the notice or delivered to the executor or administrator personally, or may be filed in the office of the clerk of the court where the proceedings are pending, at any time after the first publication or posting of the notice and before the making of the sale.

CHAPTER 94

An act to amend Sections 51, 53, 54, 120, 213, 326, 422, 502.1, 512, 513, 515, 550, 562, 565, 612, 640, 643.1, 643.2, 644, and the title of Chapter 3 (commencing with Section 550) of Part 2 of Division 2 of the Military and Veterans Code, relating to the designation of the California National Guard Reserve.

[Approved by Governor April 15, 1963. Filed with Secretary of State April 15, 1963.]

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

SECTION 1. Section 51 of the Military and Veterans Code is amended to read:

51. The Military Department shall include the Office of the Adjutant General, the National Guard, the State Military Reserve, the California Cadet Corps and the Naval Militia.

SEC. 2. Section 53 of said code is amended to read:

53. The creation of the Military Department shall in no manner affect the status, position, pay, classification, rights, duties, obligations, responsibilities, or tenure, as the same exist on the effective date of this act, of any person, employee, appointee, officer, enlisted person, warrant officer or commissioned officer employed, enlisted or appointed by or on duty with or in the service of the Office of the Adjutant General or the Adjutant General or the National Guard or the State Military Reserve or the California Cadet Corps or the Naval Militia.

SEC. 3. Section 54 of said code is amended to read:

54. All unexpended balances appropriated for the use of the office of the Adjutant General, the Adjutant General, the National Guard, the State Military Reserve or the Naval Militia and not required by the office of the Adjutant General, the

Adjutant General, the National Guard, the State Military Reserve or the Naval Militia may be expended by the Adjutant General for the use and benefit of the Military Department. Except as herein provided. all money and funds available to or appropriated for the use and benefit of the office of the Adjutant General, the Adjutant General, the National Guard, the State Military Reserve, the California Cadet Corps or the Naval Militia, upon the effective date of this act, shall not be affected by the creation of the Military Department.

SEC. 4. Section 120 of said code is amended to read:

120. The militia of the State shall consist of the National Guard, State Military Reserve and the Naval Militia—which constitute the active militia—and the unorganized militia.

SEC. 5. Section 213 of said code is amended to read:

213. Members of the National Guard who have reverted to state control pursuant to Section 111, National Defense Act as amended, shall thereby and without further action become members of the State Military Reserve and shall be subject to the provisions of Sections 550 to 567 of this code for the unexpired period of their enlistment or appointment unless upon reversion such members are assigned to active units of the California National Guard which have not been called or ordered into federal service. Upon a finding by the Adjutant General that a member of the California National Guard is not eligible for active federal service such member shall thereby and without further action become a member of the State Military Reserve and shall be subject to the provisions of Sections 550 to 567 of this code for the unexpired period of his enlistment or appointment.

SEC. 6. Section 326 of said code is amended to read:

326. Commissioned officers, warrant officers and enlisted men or enlisted women and former commissioned officers, warrant officers and enlisted men or enlisted women of the United States Army, United States Air Force, United States Navy, or any reserve component thereof, California National Guard, State Military Reserve, California National Guard Reserve, California Defense and Security Corps, California State Guard, California Reserve and Retired List or the active militia, may, with his or her consent, be detailed for active duty with a security section which the Adjutant General is hereby authorized to maintain in his office. A commissioned officer, warrant officer or enlisted man or enlisted woman who is detailed for duty as provided in this section may be paid compensation in any grade or rank lower than such person actually holds provided such commissioned officer, warrant officer or enlisted man or enlisted woman voluntarily waives all compensation in excess of such lower grade or rank.

SEC. 7. Section 422 of said code is amended to read:

422. Any person other than an officer, warrant officer, or enlisted man of the California National Guard, or of the unorganized militia when called into the service of the State or of

the State Military Reserve or who may be appointed under Section 141 of this code or who may be authorized by Sections 502, 502.1, or 502.2 of this code or who may be a member of the Naval Militia of this State, or who may be a member of the military forces of another state or of the United States Army, United States Air Force, United States Navy, United States Marine Corps, United States Coast Guard Service or United States or State Forest Service or personnel of the Department of Fish and Game or members of the State Highway Patrol, or an inmate of any veterans' or soldiers' home, or other person authorized by the laws of the United States or of this State, who at any time wears the uniform of the United States Army, United States Air Force, or United States Navy or of the armed forces of the United States or any organization thereof or National Guard or Naval Militia, or any part of such uniform, or a uniform or part of a uniform similar thereto, is guilty of a misdemeanor and is punishable by a fine of not less than one hundred dollars ($100) nor more than two hundred fifty dollars ($250), or by imprisonment in the county jail not exceeding 60 days, or by both.

SEC. 8. Section 502.1 of said code is amended to read:

502.1. The Adjutant General shall determine by the adoption of rules and regulations the grade and rank to be held by officers appointed in the California Cadet Corps by reason of their military experience and professional knowledge. Said officers shall be commissioned in the manner that shall be determined by rules and regulations adopted by the Adjutant General.

A person who has previously been a commissioned officer of, and discharged under honorable conditions from, the United States Army, the Army of the United States, the United States Navy, the United States Air Force, the United States Marine Corps, the United States Coast Guard, or any reserve component of such federal forces, the National Guard, the State Military Reserve, or the active militia may be appointed in the California Cadet Corps and commissioned in the same rank last held in such federal or state military forces. Each officer commissioned shall hold office as provided by rules and regulations adopted by the Adjutant General. Upon recommendation of the Adjutant General, the Governor may commission one executive officer of the California Cadet Corps as colonel, one assistant executive officer of the California Cadet Corps as lieutenant colonel, and the necessary number of regional supervisors of cadet instruction in the same grade and rank as said officers last held in said federal or state military forces, not to exceed lieutenant colonel, as may be determined by rules and regulations adopted by the Adjutant General. Pay and expenses shall be taken from the moneys appropriated for the maintenance of the California Cadet Corps.

SEC. 9. Section 512 of said code is amended to read:

512. Target practice shall constitute a part of the instruction to be given to cadets. Members of the California Cadet

Corps may engage in rifle matches and competitions conducted or held in this State or at any place in the United States. The Adjutant General may purchase and supply to each of the colleges, junior colleges and high schools a sufficient number of Springfield or other efficient rifles for field target work and gallery practice and the ammunition and equipment therefor, as in his judgment is necessary for efficient rifle practice. A sufficient number of rifles suitable for field target work or gallery target firing and the ammunition and equipment therefor may be purchased by a board of high school trustees, board of education, board of directors or trustees of a college or junior college, county superintendent of schools, or the State Superintendent of Public Instruction, out of any funds available therefor, and the governing body or governing officials of any high school, junior college or college may purchase the necessary parts for and may repair any rifles acquired or furnished for the use of members of the California Cadet Corps. All target practice shall be under the supervision of the president, chief administrative officer, director or principal of the college, junior college, or high school or such officer or officers as he or they may appoint. Competent members of the National Guard, State Military Reserve or Naval Militia may be detailed by the Adjutant General, with their consent, and upon request of the president, chief administrative officer, director or principal of the college, junior college or high school, as instructors of target practice in the California Cadet Corps. Such instructors while on duty at said college, junior college or high school during target practice shall be under the immediate control and jurisdiction of the governing body of said college, junior college or high school. The expenditures therefor may be paid out of the moneys appropriated for the maintenance of the California Cadet Corps.

SEC. 10. Section 513 of said code is amended to read:

513. The Adjutant General may detail from the organizations of the National Guard, State Military Reserve or Naval Militia competent members thereof who shall perform such duties on behalf of the California Cadet Corps as may be assigned to them or who shall act as training and rifle practice instructors for the California Cadet Corps. The Adjutant General may provide for compensating the persons detailed by him for duty and service with the California Cadet Corps and the persons detailed to instruct the cadets in drill and target practice. The expenditures therefor may be paid out of the moneys appropriated for the maintenance of the California Cadet Corps. The Adjutant General may conduct schools and conferences for the officers of the California Cadet Corps and pay the expenditures thereof out of moneys appropriated for the maintenance of the California Cadet Corps. The Adjutant General may adopt rules and regulations providing for the promotion of officers of the California Cadet Corps.

SEC. 11. Section 515 of said code is amended to read:

515. Units of the California Cadet Corps shall be inspected at least once each year by the executive officer, the assistant executive officer, the regional supervisors of cadet instruction, or any of them, or by officers of the National Guard, State Military Reserve or Naval Militia detailed by the Adjutant General for that purpose. Such inspectors shall report to the Adjutant General the result of inspections relating to the training, target practice, attendance, discipline, military knowledge and instruction, leadership and condition of property of the California Cadet Corps. Such report shall contain an inventory of the state property on hand in the cadet units at the time of inspections. Such reports shall be made and forwarded in duplicate, one copy to the State Superintendent of Public Instruction and one copy to the Adjutant General's office, and shall bear the endorsement of the president, director or other chief administrative officer of the college or junior college or of the principal of the high school, containing remarks the said officials may deem pertinent.

SEC. 12. The title of Chapter 3 (commencing with Section 550) of Part 2 of Division 2 of said code is amended to read:

CHAPTER 3. STATE MILITARY RESERVE ACT

SEC. 13. Section 550 of said code is amended to read:

550. Whenever any part of the National Guard of this State is in active federal service, or when Congress so consents thereto, the Governor is hereby authorized to organize and maintain within this State during such period, under such regulations as the Secretary of Defense of the United States may prescribe for discipline in training, such military forces as the Governor may deem necessary to defend and for the security of this State; provided, however, the Governor may authorize the organization and maintenance of such forces at cadre strength at any time. Such forces shall be composed of officers commissioned or assigned, and such qualified citizens or aliens who have declared their intentions to become citizens as shall volunteer for service therein, supplemented, if necessary, by members of the unorganized militia enrolled by draft or otherwise as provided by law. Such forces shall be additional to and distinct from the National Guard and shall be known as the State Military Reserve. Such forces shall be uniformed under such conditions and subject to such regulations as the Governor may prescribe.

SEC. 14. Section 562 of said code is amended to read:

562 In all cases in which any officer, warrant officer or enlisted man or woman of the State Military Reserve, when organized or authorized as a cadre or otherwise, when in the performance of ordered duty, or when ordered into the active service of the State, is wounded, injured, disabled or killed in active service, or in the performance of ordered duty and in line of duty, such officer or warrant officer or enlisted man

or woman or the dependents of such officer or warrant officer or enlisted man or woman shall be entitled to receive compensation from the State in accordance with the provisions of Division 4 of the Labor Code. In all such cases, such an officer, warrant officer, enlisted man or woman shall be held and deemed to be an employee of the State. The compensation to be awarded to any such officer, warrant officer, enlisted man or woman shall be ascertained, determined, and fixed upon the basis of his average income from all sources during the year immediately preceding the date of such injury or death or the commencement of such disability, but such compensation shall in no case exceed the maximum prescribed in Division 4 of the Labor Code.

In the determination of the benefits to be awarded any member of the State Military Reserve or his or her dependents under the provisions of this section it shall be conclusively presumed that the average yearly earning of such injured or deceased member is not less than two thousand five hundred dollars ($2,500). Any injury, death or disability shall be deemed to have been suffered in line of duty unless the same resulted from misconduct or disobedience of lawful orders by the injured or deceased member.

SEC. 15. Section 565 of said code is amended to read:

565. This chapter may be cited as the State Military Reserve Act.

SEC. 16. Section 612 of said code is amended to read:

612. The colors and standards carried by organizations of the National Guard or Naval Militia shall be such as are borne by similar organizations of the United States Army, or United States Air Force, or United States Navy, except that the regimental or battalion colors or standards may have thereon the state coat of arms, instead of the coat of arms of the United States.

The Adjutant General may, pursuant to rules and regulations adopted by him, deliver to the members of a family of a deceased member of the National Guard or of the State Military Reserve one of the national colors to be used during the disposition of the remains of the deceased member according to the custom and usual practice of the United States Army, United States Air Force or United States Navy and to thereafter become the property of the members of said family.

SEC. 17. Section 640 of said code is amended to read:

640. The following decorations are authorized for members of the National Guard, State Military Reserve, and Naval Militia:

(a) Medal of Valor
(b) Military Cross
(c) Medal of Merit
(d) Commendation Ribbon
(e) Service Medal
(f) Good Conduct Medal

The Adjutant General may provide and procure appropriate emblematic devices for each such decoration, together with suitable ribbons and insignia to be worn therewith or in lieu thereof.

SEC. 18. Section 643.1 of said code is amended to read:

643.1. A commendation ribbon with pendant may be presented to each person, who, while an officer, warrant officer, or enlisted man of the National Guard, State Military Reserve or Naval Militia distinguishes himself while serving in any capacity with the National Guard, State Military Reserve or Naval Militia by meritorious achievement or meritorious service. The meritorious achievement or meritorious service is less exceptional than that required for the Medal of Merit but must be accomplished with distinction.

SEC. 19. Section 643.2 of said code is amended to read:

643.2. A good conduct medal may be presented to each person who, while an enlisted man of the California National Guard, State Military Reserve, or Naval Militia, has demonstrated fidelity through faithful and exact performance of duty, efficiency through capacity to produce desired results, and whose behavior has been such as to deserve emulation.

SEC. 20. Section 644 of said code is amended to read:

644. A service medal or bar shall be issued for 10 years' service in the California National Guard or the California Air National Guard or the Naval Militia or the State Military Reserve, and for each period of five years of service thereafter. Such medal or bar shall be issued to those entitled to the same upon application.

CHAPTER 95

An act to amend Sections 18464 and 18471 of the Elections Code, relating to canvass of election returns.

[Approved by Governor April 15, 1963. Filed with Secretary of State April 15, 1963.]

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

SECTION 1. Section 18464 of the Elections Code is amended to read:

18464. When begun the canvass shall be continued until completed, which shall not be later than 6 o'clock in the afternoon of the 30th day following the primary election.

SEC. 2. Section 18471 of the Elections Code is amended to read:

18471. The Secretary of State shall, not later than the 39th day after any primary election, compile the returns for:

(a) All candidates voted for in more than one county

(b) All candidates for:
(1) The Assembly.
(2) The State Senate.
(3) Congress.
(4) The State Board of Equalization.
(5) Judicial offices, except judges of an inferior court.

He shall make out and file in his office a statement of the result.

CHAPTER 96

An act to add Section 13656 to the Education Code, relating to paid holidays for classified school employees.

[Approved by Governor April 15, 1963. Filed with Secretary of State April 15, 1963.]

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

SECTION 1. Section 13656 is added to the Education Code, to read:

13656 All employees a part of the classified service shall be entitled to the following paid holidays provided such holidays fall during the normal workweek of the employee: January 1, February 12, February 22, May 30, July 4, September 9, November 11, December 25, every day appointed by the President, or the Governor of this State, as provided for in subsections (b) and (c) of Section 5201 for a public fast, thanksgiving, or holiday, any day declared a holiday under Section 5202 of this code or any other day declared a holiday for classified employees by the governing board.

When a holiday herein listed falls on a Sunday, the following Monday shall be deemed to be the holiday in lieu of the day observed. When any classified employee is required to work on any of said holidays, he shall be paid compensation, or given compensating time off, for such work at a rate not less than his normal rate of pay in addition to the regular pay received for the holiday. For the purpose of computing the number of hours worked, time during which an employee is excused from work because of holidays, sick leave, vacation, compensating time off or other paid leave of absence shall be considered as time worked by the employee.

The provisions of Article 3, Chapter 2, Division 6, shall not be construed to in any way limit the provisions of this section

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 5 (commencing at Section 13701) of this chapter.

CHAPTER 97

An act to amend Section 4270 of the Agricultural Code, relating to stabilization and marketing of fluid milk and fluid cream.

[Approved by Governor April 15, 1963. Filed with Secretary of State April 15, 1963.]

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

SECTION 1. Section 4270 of the Agricultural Code is amended to read:

4270. The director shall designate marketing areas which he deems necessary or advisable to effectuate the purposes of this chapter, and wherein he finds the conditions affecting the production, distribution and sale of fluid milk, fluid cream and fluid skim milk are reasonably uniform. The director shall have the power to establish additional areas or to modify areas theretofore established when he deems the establishment or modification of such areas necessary or advisable to effectuate the purposes of this chapter. When the director finds, after a public hearing in and for each particular marketing area under consideration for consolidation, that conditions of production and distribution are reasonably uniform in two or more such marketing areas wherein stabilization and marketing plans and minimum wholesale and minimum retail prices are in effect, he may consolidate the areas. If there is a sales stimulation and consumer educational program in effect in one or more of the areas under consideration for consolidation the existence of such a program shall not prevent the consolidation, and if the areas are consolidated the program may remain in effect until the date of termination of the program in that part of the consolidated area where the program was in effect prior to the consolidation. If the period the program is to remain in effect is extended it shall be effective in the entire consolidated marketing area.

CHAPTER 98

An act to add Article 15 (commencing with Section 6450) to Chapter 6 of Division 6 of the Education Code, relating to special educational programs for culturally disadvantaged children, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 17, 1963. Filed with Secretary of State April 19, 1963.]

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

SECTION 1. Article 15 (commencing with Section 6450) is added to Chapter 6 of Division 6 of the Education Code, to read:

Article 15. Special Compensatory Educational Programs for Culturally Disadvantaged Children

6450. This article may be cited as the McAteer Act.

6451. The Legislature finds and declares that because of home and community environmental conditions which give rise to language, cultural, and economic disadvantages, the latent talents of many minors in the elementary and secondary schools in the State remain undiscovered and are not adequately developed by the general educational programs afforded by the public school system. It is the intent and purpose of the Legislature to encourage the establishment and development of programs by local officers and agencies of the public school system directed to identifying those pupils affected by language, cultural, and economic disadvantages who are potentially capable of completing the regular courses of instruction leading to graduation from the public elementary and secondary schools, and by special services, techniques, and activities to stimulating their interest in intellectual, cultural and educational attainment. The Legislature finds that such special undertakings are essential to the conservation and development of the cultural, economic, and intellectual resources of the State and nation. The provisions of this article shall be liberally construed to carry out these intents and purposes.

6452. As used in this article, the following definitions shall, unless the context otherwise requires, govern the meanings of terms:

(a) A "culturally disadvantaged minor" is a minor who:

(1) Is enrolled or required to be enrolled in any one of grades kindergarten through 12 in the public schools.

(2) Is potentially capable of successfully completing a regular educational program leading to graduation from the public elementary or secondary school in which he is enrolled or required to be enrolled.

(3) Is, because of home and community environment, subject to such language, cultural, economic, and like disadvantages as will make improbable his completion of the regular program leading to graduation without special efforts on the part of public school authorities, over, above, and, in addition to those involved in providing the regular educational programs, directed to the positive stimulation of his educational and cultural propensities.

(b) A "program for compensatory education" is an undertaking by any school district maintaining any of grades kindergarten through 12, which is over, above, and in addition to, the regular educational programs of the district, having the purpose of providing positive stimulation of the educational and cultural propensities of culturally disadvantaged minors, and which embodies a positive plan for the identification of culturally disadvantaged minors and any one or

more of the following elements designed to meet the needs of such minors:

(1) Individualized psychological evaluation.

(2) Individualized instruction.

(3) Remedial assistance.

(4) Dissemination of educational and career information.

(5) Broadening of cultural experience.

(6) Working relationships with and the enlistment of the encouragement and support of persons in the home of such minors.

(7) Teaching English as a second language.

(8) Intensified guidance and counseling of such minors and persons in the homes of such minors.

(9) Liaison with the community and nonschool agencies who may render assistance, including local public and private welfare agencies and organizations.

(10) Activities involving motivation and stimulation of the minors' educational and cultural propensities.

(11) Development of community leadership aimed at achieving co-operation with the school district among those families and groups for whom the program is designed.

6453. The standards to be used to evaluate a program for compensatory education shall include the following:

(a) The existence of residential areas within the school district likely to produce substantial numbers of culturally disadvantaged children, which areas may properly be characterized as slum or depressed urban areas, areas of retarded socioeconomic development, remote rural areas, areas including impoverished homes, areas with concentrations of non-English-speaking populations, Indian reservations, areas with concentrations of recent in-migrant families, areas with concentrations of migrant farm families, areas with concentrations of low-income racial and nationality minority populations.

(b) The general adequacy of the program in terms of the degree to which talent, knowledge, and information has been mobilized, precision in the definition of objectives and the particular types of services, activities, and identification methods to be utilized, the projected term of the undertaking with reference to time required to accomplish objectives, and the measures provided to enable periodic evaluations of accomplishments.

(c) The operational promise of the program in terms of the adequacy of the district's facilities and resources to carry it out, the background and competency of program supervisors and personnel and any special training previously afforded them, and the degree to which the program is likely to enhance the skill and competency of supervisors and personnel in achieving the objectives of the program or other such programs.

(d) The economic efficiency of the program in terms of specific district expenditures actually being made over and above those incurred in carrying out the regular educational program, the justification of expenditures by procedures to be followed, the existence of a direct relationship between proposed expenditures and anticipated results, and the adequacy of financing to accomplish stated objectives.

(e) The extent to which the program will serve to facilitate the development of data and information which will serve to increase the general effectiveness of programs for education of culturally disadvantaged minors.

6454. The State Board of Education shall establish within the Department of Education the office of Consultant on Compensatory Education. The chairman of the Advisory Committee on Compensatory Education shall appoint a Consultant on Compensatory Education, subject to approval by a majority vote of the members of the Advisory Committee on Compensatory Education. The Department of Education shall provide the Consultant on Compensatory Education with such facilities and technical and clerical assistance as will enable him to carry out duties assigned to the department under the provisions of this article.

6455. The office of Consultant on Compensatory Education shall serve and shall act as an advisor and consultant within the Department of Education for purposes of carrying out the provisions of this article.

The office shall conduct continuing research and study of the subject of programs of compensatory education, involving not only the examination and evaluation of programs established under the provisions of this article but comparable undertakings in other states, to the end of effecting improvement in the administration of the programs for compensatory education established under the provisions of this article. He shall serve as a clearing house and center of information, and shall issue and disseminate to school districts participating in programs established under this article or otherwise affected by problems presented by the presence of culturally disadvantaged minors anywhere, such publications and results of investigations as will tend to foster the establishment of sound programs for compensatory education and to enhance their effectiveness.

The office of Consultant on Compensatory Education shall have overall direction of programs of compensatory education, and shall take action necessary to co-ordinate the programs established throughout the State.

6456. The governing board of any school district may provide programs for compensatory education for culturally disadvantaged minors residing in the district. The governing board may, subject to such terms or conditions as may be agreed upon, contract with any other school district or with the county superintendent of schools for furnishing programs for such minors. The governing board of a school district or any county superintendent of schools may contract with any

public or private university or college for services or other assistance in establishing or conducting a program for compensatory education.

6457. The Superintendent of Public Instruction may agree with school districts and county superintendents of schools to jointly conduct compensatory education programs and to conduct research and evaluation projects related to such programs. From moneys specially appropriated therefor, he may make grants to school districts and county superintendents of schools with whom he has entered into such contracts, to reimburse them for a portion of the excess expense incurred in conducting such programs. Grants for such reimbursement shall, during any school year, in no event exceed two-thirds of such excess expense and shall in no event exceed the rate of twenty-four dollars ($24) per culturally disadvantaged minor fully participating in a program for the entire school year.

For purposes of selection of programs of compensatory education with respect to which he may enter into contracts with school districts or county superintendents of schools and provide grants of state funds, the Superintendent of Public Instruction may array or rank programs with reference to the standards prescribed by subdivision (b) of Section 6452, and by Section 6453. For the first two school years following the effective date of the provisions of this article he shall, for those purposes, give special weight to the standards prescribed by subdivision (e) of Section 6453.

6458. The State Board of Education shall adopt rules and regulations necessary to implement the provisions of this article, including rules and regulations which:

(a) Prescribe the procedure by which a district shall identify culturally disadvantaged minors.

(b) Establish minimum standards for programs.

(c) Require the submission of such reports by school districts as will permit the evaluation of the programs of compensatory education and the accumulation of data and information which will be useful in developing suggestions, policies, and requirements for improvement of such programs generally.

6459. The Superintendent of Public Instruction shall adopt rules and regulations necessary to enable him to carry out his duties and responsibilities under this article, including the definition of "excess expense" of programs of compensatory education.

6460. There is in the state government the Advisory Committee on Compensatory Education. It shall be comprised of 17 members. Eleven of the members shall be appointed by and serve at the pleasure of the Governor, and shall be selected by him on the basis of their demonstrated interest in the problems of culturally disadvantaged minors. Six of the members appointed by the Governor shall be selected from among persons in administrative and teaching or academic positions in the public school system or in public higher education, and five shall be selected from the public generally.

6460.1. The other six members shall consist of two Members of the Assembly appointed by the Speaker, two Members of the Senate appointed by the Senate Committee on Rules, and two lay members, one each appointed by the Speaker of the Assembly and the Senate Committee on Rules.

The Members of the Legislature appointed to the committee shall participate in the activities of the committee to the extent that such participation is not incompatible with their respective positions as Members of the Legislature. For the purposes of this act, such Members of the Legislature shall constitute a joint interim investigating committee on the subject of this act and as such shall have the powers and duties imposed upon such committees by the Joint Rules of the Senate and Assembly.

6460.2. The chairman and vice chairman of the committee shall be designated by the Governor from among the 17 members.

6460.3. The members of the committee shall serve without compensation, but shall be reimbursed for necessary traveling and other expenses incurred in performing their duties and responsibilities.

6460.4. The committee shall serve as an advisory body to the State Board of Education and the Superintendent of Public Instruction and shall formulate and present such policy recommendations as it determines will effect statewide co-ordination of programs for education of culturally disadvantaged minors and otherwise render more effective the implementation of the provisions of this article.

6460.5. All meetings of the committee shall be open and public, and all persons shall be permitted to attend any meetings of the committee.

SEC. 2. This act shall be operative on and after a date prescribed by the State Board of Education which date may be no earlier than the effective date of necessary implementing regulations adopted by the board.

SEC. 3. The provisions of this act shall terminate on June 30, 1965, and it is the intention of the Legislature that after such date no funds shall be expended for programs for the education of culturally disadvantaged minors or for positions established by or pursuant to Section 6454 of the Education Code, unless continued following legislative review of the program.

SEC. 4. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that state financial and technical assistance may be provided, commencing with the 1963-64 school year, for the establishment and operation of the urgently needed programs for culturally disadvantaged minors, it is necessary that this act take immediate effect.

CHAPTER 99

An act to amend Section 647 of the Code of Civil Procedure, relating to those matters that are deemed excepted to.

[Approved by Governor April 19, 1963 Filed with Secretary of State April 19, 1963.]

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

SECTION 1. Section 647 of the Code of Civil Procedure is amended to read:

647. All of the following are deemed excepted to: the verdict of the jury; the final decision in an action or proceeding; an interlocutory order or decision, finally determining the rights of the parties, or some of them; an order or decision from which an appeal may be taken; an order sustaining or overruling a demurrer, allowing or refusing to allow an amendment to a pleading, striking out or refusing to strike out a pleading or a portion thereof, or refusing a continuance, an order made upon ex parte application, giving an instruction, refusing to give an instruction, or modifying an instruction requested; an order or decision made in the absence of the party or an order granting or denying a nonsuit or a motion to strike out evidence or testimony; a ruling sustaining or overruling an objection to evidence; and any statement or other action of the court in commenting upon or in summarizing the evidence. If the party, at the time when the order, ruling, action or decision is sought or made, or within a reasonable time thereafter, makes known his position thereon, by objection or otherwise, all other orders, rulings, actions or decisions are deemed to have been excepted to.

CHAPTER 100

An act to add Division 18.5 (commencing with Section 25410) to; to amend Section 8454 of; and to repeal Chapter 6 (commencing with Section 1401) of Division 4, Chapter 7 (commencing with Section 2551) of Division 5, Chapter 8 (commencing with Section 22200) of Division 16, Article 4 (commencing with Section 5701) of Chapter 5 of Division 6, Article 5 (commencing with Section 7801) of Chapter 2 of Division 7, and Article 8 (commencing with Section 15651) of Chapter 2 of Division 11, of; and to repeal Sections 989, 7751, 8403, 17004, and 20802 of; the Education Code, relating to junior colleges.

[Approved by Governor April 19, 1963 Filed with Secretary of State April 19, 1963]

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

SECTION 1. In enacting this act it is the purpose of the Legislature to draw together various sections relating to junior

colleges and place them, without substantive change, in a separate division. The sections of law added or amended by this act, insofar as they are substantially the same as existing statutory provisions relating to the same subject matter shall be construed as restatements and continuations and not as new enactments.

SEC. 2. Division 18.5 (commencing with Section 25410) is added to the Education Code, to read:

DIVISION 18.5. JUNIOR COLLEGES

CHAPTER 1. GOVERNING BOARDS

Article 1. Composition and Organization

25410. In any junior college district coterminous with a single high school district, of any type, the governing board of the high school district shall constitute the junior college board and after organizing as a junior college board shall have the management and control of the junior college in the district.

25410.5. In every junior college district which was divided into five wards on or before September 7, 1955, one member of the board shall be elected from each ward by the registered voters of the ward. On or before January 1st of a fiscal year the governing board of the district may rearrange the boundaries of the wards to provide for representation in accordance with population and geographic factors or may abolish the wards.

25411. The county committee on school district organization, upon petition of the governing board of any junior college district, may provide for trustee areas in junior college districts or the rearrangement of trustee areas in the same manner as trustee areas may be provided for in unified districts under Sections 3128 to 3134, inclusive. The governing board of a junior college district shall be composed of five or seven members elected for a four-year term when trustee areas are provided under this section.

25411.5. In every junior college district formed pursuant to Chapter 2 (commencing with Section 25430) of this division, there shall be a governing board of five members elected at large from the district to serve a term of four years, except that if trustee areas are formed the governing board shall consist of a member from each trustee area elected by the voters of the entire district.

25412. Upon the formation of a junior college district the county superintendent of schools having jurisdiction shall call and set the date of an election for the purpose of electing the governing board of the district. Such call shall be issued not later than 30 days after the formation of the district. The election shall be called, held, and conducted as are elections for members of governing boards of elementary school districts.

25412.5. The first members of the governing board shall take office on the third Monday following their election. The term of office of subsequent members of the board shall begin on July 1st following their election.

25413. At the initial meeting of the governing board of a newly formed junior college district it shall elect one of its members as chairman, and shall designate a secretary.

When the number on the governing board is five the term of office of each member of the first governing board shall be determined by lot. The term of two members shall expire on June 30th of the next succeeding odd-numbered year following their election and the term of three members shall expire on June 30th of the second succeeding odd-numbered year following their election.

In the event that provision is made for a governing board of seven members, the governing board shall determine by lot the term of office of each member of the first governing board. The term of three members shall expire on June 30th of the next succeeding odd-numbered year following their election and the terms of four members shall expire on June 30th of the second succeeding odd-numbered year following their election.

25413.5. Any vacancy on the governing board of a junior college district shall be filled by appointment of the remaining members of the board for the remainder of the unexpired term. If the remaining members of the board fail to agree within 60 days, the county board of education shall appoint a person to fill the vacancy for the remainder of the unexpired term.

25414. Governing board members may be recalled in the manner provided in Sections 1261 to 1285, inclusive.

25414.5. In any junior college board member election including recall elections, at least one polling place in each of the elementary and unified school districts located in the junior college district shall be designated; provided, that, except when a consolidated election is being conducted in which the suspended district participates, a suspended elementary school district may be combined with a contiguous elementary school district for the purpose of the election and the voters of both shall vote at the polling place designated in the active school district.

25415. Within 20 days after the appointment of the junior college board provided for by Section 25411.5, the county superintendent of schools having jurisdiction shall call a meeting of the board by giving at least 10 days' notice by registered mail to each member, for the purpose of organizing the junior college board.

25415.5. At the meeting the junior college board shall organize by electing a president from its members and a secretary, and may transact any other business relating to the affairs of the junior college district.

25416. Junior college boards shall meet on the first day in July of each year at 11 o'clock a.m., and organize by electing a president from its members, and a secretary.

Any junior college board may, at a meeting held between May 15 and June 15, determine that the meeting on the next succeeding July 1 shall be held at some other time than 11 a.m. In case such action is taken, the clerk of the board shall notify in writing all members and members-elect of the time of the July 1 meeting and shall also publish this action of the governing board.

Article 2. Powers and Duties

25420. Every junior college board shall hold regular monthly meetings at such times as may be provided in the rules and regulations adopted by them for their own government, except that in junior college districts composed of two or more high school districts, the regular meetings may be quarterly.

25420.5. Special meetings may be held at the call of the president of the board or upon a call issued in writing and signed by a majority of the members of the board, except that by unanimous consent a special meeting may be convened at any time.

25421. The date set for special meetings shall be at least 24 hours subsequent to the completion of the call.

25421.5. No business shall be transacted at a special meeting other than that specified in the call, except that by unanimous consent any business matter may be transacted at any special meeting.

25422. Except as otherwise provided in this section, all meetings of the junior college board shall be held at the junior college building. If no junior college building exists in the district, or if the junior college consists of a single high school district, the junior college board may meet at any place in the district as it may by resolution determine.

If the junior college district consists of more than one high school district, or of more than one unified district, or of at least one high school district and one unified district, the junior college governing board may meet at any high school building in any of such districts, if a notice identifying the high school building in which the meeting will be held and the time and date of the meeting therein is posted in each junior college maintained by the district at least 30 days prior to the meeting and remains so posted to and including the time of the meeting.

25422.5. Except as otherwise provided in this code, the powers and duties of junior college boards are such as are assigned to high school boards.

25423. The governing board of any school district which maintains a junior college may rent or purchase academic caps and gowns for faculty use at ceremonies.

25423.5. The governing board of a district maintaining a junior college may employ as a junior college teacher of an academic subject matter area or areas a person who does not hold a credential issued by the State Board of Education authorizing such service if the person has been granted a master's degree or a doctor's degree in the academic subject matter area for which he is employed to teach. No such person shall teach classes in grades below grades 13 and 14 in any junior college. No such person shall be employed for an aggregate period which is greater than three school years unless he fulfills the requirements of Section 13132 and of subdivision (c) of Section 13193.

No person shall be employed pursuant to this section until he has complied with the prerequisites to issuance of a certification document prescribed by Sections 13121, 13123, 13124, 13126, and 13127, and no person shall be so employed who has been determined to come within any of the provisions of Section 13129 or Section 13130. The State Board of Education shall make necessary provision for enforcing compliance with the preceding sentence.

The governing board of each school district maintaining a junior college shall, in the manner and form prescribed by the State Board of Education, promptly after the close of each school year file with the Department of Education a report identifying each person employed pursuant to this section during the preceding school year and certifying that all applicable laws, rules, and regulations were complied with in his employment. The Department of Education shall compile and maintain a roster of the individuals employed under this section, to be utilized in administering the provisions of this section.

Any person employed pursuant to this section shall be deemed to be a certificated employee in a position requiring certification qualifications for all purposes.

For the purposes of this section "academic subject matter area" shall have the meaning set forth in Section 13188.

25424. The governing board of any district maintaining a junior college may accept on behalf of, and in the name of, the district such gifts, donations, bequests, and devises as are made to the district for junior college purposes or to or for the benefit of any junior college administered by the district. Such gifts, donations, bequests, and devises may be made subject to such conditions or restrictions as the governing board may prescribe. In no event shall the approval of any state agency be a prerequisite to acceptance of such a gift, donation, bequest, or devise. No real or personal property, including money, accepted by a governing board pursuant to this section shall be considered in determining the eligibility of the district for an apportionment from the State School Fund nor in determining the amount thereof.

CHAPTER 2. DISTRICT ORGANIZATION

Article 1. Standards for Formation of Junior College Districts and Maintenance of Additional Junior Colleges

25430. Upon receiving a petition for the formation of a junior college district, the State Board of Education shall submit a copy of the petition to the Coordinating Council for Higher Education.

25430.5. Within 90 days after receiving a copy of the petition, the Coordinating Council for Higher Education shall prepare and transmit to the State Board of Education a report on the proposal including the recommendations, if any, of the council concerning the proposal.

The report of the council is advisory only. The State Board of Education may approve or disapprove a petition for the formation of a junior college district before or after receiving the report of the council.

25431. Except as provided in Section 25432.5, no junior college district shall be formed, and the State Board of Education shall not approve a petition to form a junior college district if the estimated potential average daily attendance of the district is less than 1,000 units of average daily attendance.

25431.5. Except as provided in Section 25432.5, no junior college district shall be formed and the State Board of Education shall not approve a petition to form a junior college district if the assessed valuation of taxable property in the proposed district is less than one hundred fifty thousand dollars ($150,000) for each unit of estimated potential average daily attendance. For the purposes of this section, the assessed valuation of the territory in the district shall be that shown by the last equalized assessment roll of the county or counties in which the district will be located as of the time the petition to form the district is presented to the State Board of Education.

25432. For the purposes of Sections 25431 and 25431.5, the estimated potential average daily attendance means the estimate made pursuant to this section.

For each petition for the formation of a junior college district, the Department of Education shall estimate the attendance of resident pupils who will be in grades 13 and 14 of the proposed district during the second school year after the date the district is in existence for all purposes.

As used in this section, "resident pupils" means pupils who reside or will reside in the proposed district.

25432.5. If the State Board of Education determines that the proposed district will serve an area which is isolated from other existing junior colleges or if existing junior colleges are inaccessible to residents of the area to be served, the State Board of Education may approve the formation of a new district junior college with a smaller estimated potential aver-

age daily attendance or assessed valuation for each unit of estimated potential average daily attendance than that required by Sections 25431 and 25431 5.

25433. This article does not apply to the formation of a new junior college district which consists wholly or partially of territory of a unified district or union high school district maintaining a junior college on September 15, 1961.

Article 2. Formation

25435. Junior college districts shall be formed pursuant to this article.

25435.5. "High school district," as used in this chapter, means high school district or unified school district.

25436. A junior college district shall include all the territory in one high school district or in two or more contiguous high school districts.

25436 5. A junior college district may also include all the territory in one or more high school districts and one or more unified school districts if all such districts are contiguous.

25437. A junior college district may be formed to include all the territory of an existing junior college district and one or more high school districts if all such districts are contiguous.

25437.5. The State Board of Education shall establish minimum standards for the formation of junior college districts.

25438. The governing board of any high school district or the governing boards of two or more contiguous high school districts, or the governing board of an existing junior college district and the governing board of one or more contiguous high school districts, may present to the State Board of Education a petition in the form prescribed by the Superintendent of Public Instruction, asking permission to call an election for the formation of a junior college district to include all the territory in the high school district or districts, as the case may be. The petition may include a proposal to form trustee areas in the proposed junior college district, and shall state whether five or seven members shall constitute the governing board of the district if formed. The Superintendent of Public Instruction shall make or cause to be made a survey of the proposed junior college district and of high school districts contiguous to the proposed junior college district, which may appropriately be included in the proposed district and the proposal to form trustee areas

25438 5. The cost of the survey shall be borne by the high school district, the governing board of which signed the petition, or, if there are two or more high school districts petitioning the cost shall be borne by the high school districts in proportion to their assessed valuation. The cost of the survey to a high school district is a proper charge against the maintenance fund of the district.

25439. Upon the completion of the survey the Superintendent of Public Instruction shall report the findings to the State Board of Education together with his recommendations as to the action to be taken on the petition.

25439.5. If the State Board of Education approves the petition, it shall within 30 days after approval notify the superintendent of schools of the county in which the greatest area of the proposed junior college district lies.

25440. Within 30 days after receiving the notice the superintendent of schools of the county within which the greatest area of the proposed junior college district lies, shall call an election to be held in every elementary district and unified district in the proposed junior college district. He shall establish one or more precincts in each elementary or unified district and appoint three qualified electors in each precinct to conduct the election.

25440.5. The election shall be called by posting notices in three public places in each district, one of which shall be a public schoolhouse of the district, at least two weeks before the election, and by publishing the notice at least once a week for two successive weeks in a newspaper having a general circulation in the proposed junior college district. The first publication shall be not less than two weeks before the election. The notice shall specify the polling places, and, in cities, the precinct lines.

25441. The expenses of printing notices and ballots and other necessary expenses incurred in the calling, holding, and conducting of the election shall be paid by the board of supervisors out of the county general fund.

25441.5. The election shall be held separately and simultaneously at a public schoolhouse in each elementary school district or in each precinct, and shall be conducted in the manner provided for conducting elections of governing boards of elementary school districts.

25442. The ballots used at the election in each district shall contain the words "Junior college district—Yes" and "Junior college district—No." Each elector voting at the election shall make a cross with a pencil, ink, or rubber stamp after the answer he desires to give.

25442.5. The election officers in each district or precinct shall canvass the vote of the election as soon as the polls are closed. They shall report the result to the superintendent of schools who called the election within five days after the election.

25443. Within 10 days after receiving the returns of the election, the superintendent of schools shall combine the votes "for" and the votes "against" the formation of the junior college district and declare and record the result, with the details of the vote in each district, in a book kept by him for that purpose.

25443.5. If a majority of the votes cast at the elections is in favor of the formation of the junior college district, he

shall file with the county clerk of the county or of each of the counties in which the proposed junior college district lies, a certificate showing the total number of votes cast in each district in favor of the junior college district, the total number of votes in each district against the junior college district, the aggregate result of the election, and the boundaries of the proposed district.

25444. If it appears from the certificate filed by the superintendent of schools that a majority of the votes cast at the election is in favor of the formation of the junior college district, the junior college district is formed effective as provided in Sections 1601 and 1603 of this code. The county clerk shall record the certificate in full in his record of school districts.

25444.5. If a unified district is formed to include a city high school district and the boundaries of the high school district are coterminous with a junior college district and with the boundaries of the newly formed unified school district, the junior college district shall remain a separate district and shall not become an integral part of the unified district.

This section applies only to a unified district heretofore or hereafter formed, the formation of which will be effective for all purposes on July 1, 1961.

The governing board of the unified district shall constitute the governing board of the junior college district, and after organizing as a junior college board shall have the management and control of the junior college district, provided, however, should any territory be included within the boundaries of such junior college district by annexation thereto or by change of boundaries thereof, which territory is not included within the unified district, such junior college district shall be governed by a board of five members who shall be elected in the same manner, for the same terms, and at the same time as are members of the governing boards of other junior college districts. Within 15 days after the effective date of the annexation or change of boundaries for the purpose of electing members of the governing board, the county superintendent of schools having jurisdiction over the junior college district shall call an election. The election shall be called and conducted pursuant to Section 937 of this code.

A junior college district remaining a separate district pursuant to this section shall not be deemed a newly created district within the meaning of Chapter 8 (commencing with Section 54900), Part 1, Division 2, Title 5 of the Government Code.

25445. Upon the formation of a junior college district the boundaries of which are coterminous with the boundaries of a single existing high school district of any type and which said districts are thereafter governed by governing boards of identical personnel, if prior to the formation of such junior college district the voters of the high school district at an election had voted a district tax rate in excess of the maximum rate pre-

scribed by Section 20751 of this code such excess tax rate shall be continued at the option of the governing boards of the high school and junior college districts as the maximum combined tax rate of both of said districts for combined high school and junior college purposes for a period not to exceed the period of time for which such excess tax rate was so previously authorized by the voters of the high school district.

25445.5. Every junior college district formed under the provisions of this article shall be given the name selected for it by the governing board of the district and shall be designated as the "_____ (using the name of the district) Junior College District." In the name by which the district is so designated the district and its governing board may sue and be sued and hold and convey property for the benefit of the district.

Article 3. Formation From Unified Districts

25447. A junior college district may be formed to comprise two or more unified school districts in the same manner as the formation of other junior college districts, except that a majority vote in favor of the formation of the district in each unified school district is required.

25447.5. Each junior college district comprising two or more unified school districts shall be governed by a board of five members who shall be elected in the same manner, for the same terms, and at the same time as are members of governing boards of other junior college districts.

Within 15 days after the formation of a junior college district comprising two or more unified school districts, the county superintendent of schools having jurisdiction over the junior college district shall appoint a board of five members to govern the district until the next succeeding election.

25448. Each unified school district created under Sections 1481 to 1493, inclusive, Sections 2811 to 2931, inclusive, and Sections 813, 13005, 13554 and 21802 which includes a junior college district shall be considered as a junior college district for purposes of the apportionment of state junior college funds and for purposes of nonresident county junior college tuition.

25448.5. A junior college district may be formed to comprise a single unified school district in the same manner as the formation of other junior college districts, except that a majority vote in favor of the formation of the district is required.

25449. A junior college district formed to comprise a single unified school district shall be considered a junior college district only for the purposes of State apportionments and nonresident county junior college tuition. For all other purposes it shall be considered an integral part of the unified school district and shall be governed by the governing board of the unified school district.

Article 4. Separation of Junior College From High School or Unified District and Formation of a New Junior College District

25451. As used in this article:

(a) "County committee" means the county committee on school district organization of any county in which a junior college is maintained by a school district.

(b) "Junior college" means a public institution of higher learning offering a regular daytime program of instruction in grades 13 and 14 and any night school or ungraded classes maintained in connection with the regular daytime program. When the term "junior college" is used in connection with a high school district or unified district maintaining a four-year junior college pursuant to Section 25501 or any other law, the term shall be deemed to refer to that portion of the four-year junior college which is included in the definition set forth in the first sentence of this subdivision.

25451.5. Each county committee shall study the role of the junior college maintained by any high school district or unified district in the county and its relationship with adjacent areas within or without junior college districts. The county committee shall publish a report of the study on or before June 30, 1963.

25452. On or after July 1, 1963, the county committee may, and upon the petition of 10 percent of the registered voters residing in a high school district or unified district maintaining a junior college, shall, adopt a resolution directing the county superintendent of schools to call an election to form a new junior college district to include all the territory of the high school district or unified district and hold an election on the same date to elect members of the governing board of the new district. No person shall be eligible for the board who is at the same time a member of the governing board of another school district. The committee shall transmit a copy of the resolution to the county superintendent of schools.

25452.5. The county superintendent of schools shall call the election to be held at a date which is not more than 90 days from the date of the adoption of the resolution. The election shall be called, held, and conducted in the territory of the proposed new district in the same manner as election to be held under Sections 25440 to 25443.5, inclusive, except as otherwise provided in this article. The election to elect members of the governing board of the proposed district shall be called, held, and conducted as are elections for members of governing boards of elementary districts. The county superintendent of schools shall issue the call for both elections on the same date, and both elections shall be held on the same date. The election of persons as members of the governing board shall be ineffective if a majority of the votes cast at the election for the formation of the district do not favor the formation.

25453. The county committee shall fix the boundaries for the proposed district. There shall be included in the boundaries all of the territory of the high school district or unified district maintaining a junior college. The committee may include additional territory. The boundaries shall be set forth in the resolution directing the superintendent to call the formation election. The county committee shall determine whether the governing board of the proposed district shall consist of five or seven members and shall prescribe the number in the resolution.

25453 5. If it appears from the certificate filed by the county superintendent of schools pursuant to Section 25443.5 that a majority of the votes cast at the election on the formation of the district is in favor of the formation, the county clerk shall file the certificate in full in his record of school district. The action to form a junior college district shall be complete upon such filing. The action shall become effective for all purposes on the next succeeding July 1 if it is completed prior to February 1 of a school year, and if not so completed, the action shall become effective on the second next succeeding July 1. For the purposes enumerated in Section 1603 the action shall be effective on the date the action is completed.

After the expiration of one year from the date of the filing, the certificate shall be conclusive evidence that the junior college district has been legally organized or the boundaries of the district legally changed, as the case may be, and no suit shall be maintained which questions the validity thereof.

25454. No apportionment of funds from the State School Fund shall be made to the high school district or the unified district on account of pupils attending junior college in such district during the school year in which the new junior college district becomes effective for all purposes or thereafter.

25454.5. All employees of the high school district or unified district employed in connection with the junior college maintained by the district during the school year preceding the school year in which the action to form the new junior college district becomes effective for all purposes shall automatically become employees of the new junior college district and shall retain all personal rights, benefits, and status which they accumulated or to which they were entitled in the high school district or unified district.

25455. Upon the formation of a junior college, the county superintendent shall provide for a division between the new district and the high school district or unified district of the real and personal property, funds and other assets, and obligations, of the high school district or the unified districts.

25455 5. The rate of district tax levied for the new junior college district for the first year of its existence for all purposes shall be the rate of district tax levied during the preceding year for the high school district or unified district

for junior college purposes, as defined by the county committee.

Article 5. Inclusion of Territory of High School Districts and Unified Districts in Districts Maintaining a Junior College

25457. The Legislature hereby declares as its policy that the territory of all high school districts and unified districts shall be included in districts maintaining a junior college. In order to permit school districts to conform voluntarily to this policy, the provisions of this article shall not become operative until February 1, 1964.

25457.5. The county committee on school district organization of each county shall prepare plans and recommendations for the formation of one or more junior college districts in the county. Whenever it is proposed to include territory of more than one county in a junior college district the county committee on school district organization shall consist of the members of the county committee on school district organization of each county affected and shall be augmented as provided in Section 3113.

25458. The chairman and the secretary of the county committee on school district organization which initiates a study that includes the territory of more than one county shall act as the chairman and secretary respectively of the county committee formed under Section 25457.5.

25458 5. The procedures contained in Chapter 9 (commencing with Section 3001) of Division 5 shall be used in the development of plans and recommendations for the formation of junior college districts Nothing in this article shall prohibit a county committee from making plans and recommendations for the formation of junior college districts as provided by Chapter 9 (commencing with Section 3001) of Division 5 prior to the date upon which this article shall become operative.

25459. On and after February 1, 1963, no district, except a junior college district, shall be formed to maintain a junior college.

Article 6. Inclusion of Certain High School Districts in Junior College Districts

25461. The governing board of any high school district which is not a part of a district maintaining a junior college and which, in each year since September 1, 1957, has paid tuition for the attendance of junior college pupils residing in the high school district at a junior college maintained by a high school district contiguous thereto shall, on or before February 1, 1963, undertake one of the following:

(1) Initiate proceedings to annex the high school district which has paid such tuition to a district maintaining a junior

college which is in effect for all purposes prior to February 1, 1963.

(2) Together with the district to which the tuition payments have been made, initiate proceedings to form a junior college district.

(3) Form with other contiguous high school districts a separate junior college district, provided that the assessed valuation of such proposed junior college district shall be not less than fifty million dollars ($50,000,000), and that no fewer than 400 pupils shall be enrolled therein.

As used in this section, high school district does not mean unified district.

25461.5. The initiation of proceedings referred to in Section 25461 shall be undertaken and completed in any of the following ways:

(1) For annexation to the contiguous high school district maintaining a junior college, pursuant to the provisions of Article 9 (commencing with Section 2381) of Chapter 6 of Division 5.

(2) For the formation of a new junior college district comprising the district paying the tuition and the district to which the tuition is paid, pursuant to the provisions of either Article 2 (commencing with Section 25435) of this chapter, or the procedure contained in Chapter 9 (commencing with Section 3001) of Division 5.

(3) For the formation with other contiguous high school districts of a separate junior college district pursuant to the provisions of either Article 2 (commencing with Section 25435) of this chapter, or the procedures contained in Chapter 9 (commencing with Section 3001) of Division 5.

Article 7. Uniting of Districts

25463. Two or more contiguous junior colleges may be united to form a single junior college district in the same manner as provided in this code for the uniting of two or more contiguous elementary school districts.

Article 8. Annexation of High School Districts Upon Petition of Electors

25465. A majority of the electors residing in any high school district contiguous to a junior college district, in the same or adjoining counties, as shown by the affidavits of one or more of the petitioners, may present to the superintendent of schools who has jurisdiction over the junior college district, a petition for the annexation of the high school district to the junior college district. The petition shall be accompanied by an agreement, signed by a majority of the members of the governing board of the junior college district to which annexation is desired, and by a majority of the trustees of the high school district, consenting to the annexation and setting forth

the terms of the annexation. The superintendent of schools shall, after verifying the signatures and finding them sufficient, transmit the petition and agreement to the board of supervisors of his county with his recommendations.

25465.5. The board of supervisors, after receiving the petition and agreement, and the recommendation of the superintendent, may make an order annexing the high school district to the junior college district upon the terms agreed on.

25466. Whenever it appears that the terms agreed upon by the trustees of the high school district seeking to be annexed and the junior college board include the assumption by the high school district of its pro rata portion of any bonded indebtedness existing against the junior college district, the board of supervisors shall call an election in the high school district proposing to assume the indebtedness for the purpose of determining whether the indebtedness shall be authorized and assumed.

25466 5. The election shall be held in the same manner as are elections for the issuance of high school district bonds, except that the returns shall be made to the board of supervisors.

25467. If it appears from the returns of the election that two-thirds of the votes cast at the election are in favor of the assumption by the district seeking to be annexed of its pro rata portion of the bonds, the high school district shall be annexed to the junior college district.

25467.5. If the bonded indebtedness is assumed by the annexed high school district, all levies of taxes made for the payment of the bonds and interest thereon, shall be upon the property of the annexed high school district at the same rate as levied upon the property of the original junior college district.

25468. The order of the board of supervisors annexing the high school district to a junior college district shall be entered by the clerk of the board in his record of junior college districts. He shall send a copy of the order to the county clerk of each county in which any part of the junior college district is situated, who shall enter it in his record of junior college districts.

Article 9. Annexation of High School Districts Upon Petition of Junior College Boards

25470. Whenever a principal of a junior college in any junior college district presents to the governing board of the junior college district a statement made under oath that the average daily attendance in the junior college, of pupils whose parents reside in a high school district not maintaining a junior college and which is contiguous to the junior college district, was an average of three or more for the two school years next preceding, setting forth the names of the pupils, the governing board of the junior college district may petition the board of supervisors of the county, the superintendent

of schools of which has jurisdiction over the high school district, to annex the high school district to the junior college district.

Where a junior college was maintained by a high school district which has been formed as a junior college district or portion thereof, the governing board of the junior college district so formed may petition the board of supervisors of the county, the superintendent of schools of which has jurisdiction over another high school district, to annex such other high school district if it does not maintain its own junior college and if it is contiguous to the junior college district and the principal of the junior college presents to the governing board of the junior college district a statement, made under oath, that the average daily attendance in the junior college of pupils whose parents reside in such other high school district was three or more for the two school years next preceding, setting forth the names of the pupils.

25470 5. Upon presentation of the petition, accompanied by the sworn statement of the principal of the junior college concerning the attendance and residence of the pupils, and the verification of the facts by the county superintendent of schools having jurisdiction over the junior college district, the board of supervisors shall set the petition for hearing at a regular meeting of the board and shall publish in a newspaper of general circulation in the county once each week for at least two weeks prior to the hearing a notice containing a general statement of the purpose of the petition and the time and place when and where the petition will be heard The clerk of the board of supervisors shall mail a copy of the notice to each of the trustees of the high school district at least 10 days prior to the hearing.

25471. The board of supervisors shall at the time and place named in the notice meet to receive any protest which interested persons may present. If no protest is filed it shall make an order annexing the high school district to the junior college district.

25471.5. If a petition protesting against the annexation, signed by 20 percent or more of the qualified electors of the high school district, as shown by the affidavit of one of the petitioners, is filed at the meeting, the board of supervisors shall order an election to be held in the high school district within 30 days after the making of the order, to determine the question. The election shall be called and held in the same manner as the elections for high school district bonds, except that the words to appear upon the ballot shall be "For annexation to (insert name of) junior college district—Yes" and "For annexation to (insert name of) junior college district—No," and except that the returns shall be made to the board of supervisors.

25472. If it appears that a majority of the votes cast at the election is in favor of the annexation, the board of supervisors shall make an order annexing the high school district to the

junior college district. The order shall be entered by the clerk of the board in his record of high school districts. He shall send a copy of the order to the county clerk of each county in which any part of the junior college district is situated, who shall enter it in his record of junior college districts.

25472.5. If it appears that a majority of the votes cast at the election is against the annexation, no other election shall be called on the question of annexation until one year from the date of the filing of the original petition.

25473. Whenever the governing board of each of two or more junior college districts, under the provisions of this article, petitions the board of supervisors having jurisdiction for the annexation of the same high school district, the board shall refer the matter to the county superintendent of schools having jurisdiction over the high school district. The county superintendent shall make a recommendation on the matter, after which the board of supervisors shall make an order stating to which of the junior college districts the high school district may be annexed.

25473.5. Whenever a high school district is annexed to a junior college district pursuant to this article, the territory annexed to the junior college district shall not be liable for the payment of any part of the interest on, or principal of any bonded indebtedness of the junior college district theretofore incurred, unless a pro rata portion of the indebtedness is assumed pursuant to this article. Whenever a high school district is annexed to any junior college district, the junior college district shall constitute the same type of junior college district as if the district were newly formed and shall be governed and administered as such.

25474. After the annexation of a high school district pursuant to this article, all property belonging to the original junior college district is the property of the new junior college district so formed.

Article 10. Annexation of High School Districts Upon Election

25476. The governing board of a high school district in which reside persons attending a regular day junior college in a contiguous junior college district may petition the board of supervisors of the county having jurisdiction over the high school district to annex the high school district to the junior college district.

25476.5. The petition shall be accompanied by a verified copy of a resolution adopted by the governing board of the junior college district named in the petition consenting to the annexation thereto of the high school district. The resolution consenting to the annexation may stipulate that the high school district shall assume a proportionate share of the outstanding bonded indebtedness of the junior college district as a condition to the annexation. Upon receipt of the petition and the

resolution of consent, the board of supervisors shall call an election to be held in each elementary school district in the high school district named in the petition for the purpose of determining whether the high school district shall be annexed to the junior college district.

25477. The election shall be called, held, and conducted in the same manner as are the elections of governing boards of elementary school districts, except that the words to appear upon the ballot shall be:

(a) If the assumption of bonded debt is not involved: "For annexation to _____ (insert name) Junior College District—Yes" and "For annexation to _____ (insert name) Junior College District—No."

(b) If the assumption of bonded debt is stipulated in the resolution of the governing board of the junior college district: "For annexation to _____ (insert name) Junior College District and the assumption of bonded debt—Yes" and "For annexation to _____ (insert name) Junior College District and the assumption of bonded debt—No," and except that the returns shall be made to the board of supervisors.

25477.5. If the assumption of bonded debt is not involved and if it appears that a majority of all votes cast at the election were cast in favor of the annexation or if the assumption of bonded debt is stipulated in the resolution of the governing board of the junior college district and it appears that two-thirds of the votes cast at the election were in favor of the annexation, the board of supervisors shall make an order annexing the high school district to the junior college district. Upon the making of the order the annexation shall be deemed to have been made effective pursuant to the provisions of Sections 1601 and 1603 of this code.

Article 11. Annexation of One Junior College District by Another

25480. A junior college district, hereinafter in this article called the petitioning district, may be annexed to another contiguous junior college district, hereinafter in this article called the admitting district, upon such terms and conditions as may be agreed upon between the governing board of the petitioning district and the governing board of the admitting district.

25480.5. The proceedings for annexation of one junior college district to another junior college district may be commenced by the petitioning district in either of the following ways:

(a) The presentation to the superintendents of schools of each county in which any of the area of the petitioning district and of the admitting district lies, of a petition asking for the annexation of the district to a contiguous junior college district, signed by 25 percent of the registered electors of the petitioning district.

(b) The presentation to the superintendent of schools of each county in which any of the area of the petitioning district and of the admitting district lies, of a resolution of the governing board of the petitioning district asking for the annexation of the district to a contiguous junior college district.

The petition or resolution presented pursuant to this section shall be accompanied by an agreement signed by a majority of the members of the governing board of the admitting district consenting to and agreeing to the annexation and setting forth the terms and conditions upon which the annexation shall be made.

25481. Upon presentation of a petition, the county superintendent or superintendents of schools, as the case may be, shall, after verifying the signatures thereon and finding them sufficient, within 20 days, call an election in the petitioning district in his county for the determination of the question and shall appoint three qualified electors in each component elementary or unified school district of the petitioning district to conduct the election.

Upon presentation of a resolution of the governing board of the district, the county superintendent or superintendents of schools shall, within 20 days, call the election in the petitioning district in his county for determination of the question and shall appoint three qualified electors in each elementary or unified school district of the petitioning district to conduct the election.

25481.5. The election shall be called in all respects as specified in Sections 1941 to 1948, inclusive, except that the form of the ballot shall be: "For annexation to the _____ Junior College District—Yes" and "For annexation to the _____ Junior College District—No" or words of similar import. If a majority of the votes cast in the entire petitioning district is in favor of the annexation, the annexation is complete. The result of the election shall be reported by the election officers in each elementary or unified school district to each superintendent of schools of any county in which the district is situated within five days after the election.

25482. Whenever a junior college district is annexed to another junior college district pursuant to this article, all funds, property, and obligations of the petitioning district shall become the funds, property, and obligations of the admitting district. The bonded indebtedness of any district incurred prior to the annexation shall remain the sole obligation of the territory of the district as it existed prior to the annexation.

25482.5. Upon the effective date of the annexation of the district, for all purposes, to another district, the governing board of the district annexed ceases to exist.

Article 12. Automatic Change of Boundaries

25484. The boundaries of every junior college district shall be coextensive with the boundaries of the high school district or districts included in the junior college district. If the boundary of any high school district included in a junior college district is changed by annexation, withdrawal, operation of law or in any other manner, such change shall automatically effect a corresponding change in the junior college district boundary, and any such change in junior college district boundaries shall be effective at the same time as the change in high school district boundaries is effective, except that if a new high school district is formed from territory entirely within an existing junior college district, the new high school district shall continue to be part of the junior college district.

25484.5. The boundaries of every junior college district as the same were established for the purpose of the levy and collection of taxes for the fiscal year 1947-48, are hereby confirmed, validated, and declared legally effective for all purposes.

Article 13. Exclusion of High School Districts

25486. On or before the first day of February in any school year a majority of the electors residing in a junior college district, and two-thirds of the electors residing in any high school district which is a part of the junior college district, as shown by the affidavit of one or more of the petitioners, may present to the superintendent of schools who has jurisdiction over the junior college district, petitions asking for the exclusion of the high school district from the junior college district for the purpose of permitting the territory in the high school district to be formed into a junior college district or to become a part of another junior college district. The petitions shall be accompanied by an agreement signed by a majority of the governing board of the junior college district, and a majority of the trustees of the high school district consenting to the exclusion and setting forth the terms of the agreement. The superintendent of schools shall, after verifying the signatures to the petitions and agreements and finding them sufficient, transmit the petitions and agreement to the board of supervisors of his county with his recommendations.

25486.5. The board of supervisors, after the receipt of the petitions and agreements, together with the recommendations of the superintendent of schools, may make an order excluding the high school district from the junior college district upon the terms agreed on. The order withdrawing the high school district from the junior college district shall not become effective until the high school district becomes a junior college district or becomes a part of a junior college district.

25487. Any high school district excluded from a junior college district shall continue to bear its proportionate share

of the bonded indebtedness of the junior college district incurred prior to the exclusion of the high school district, as though the exclusion had not taken place.

25487.5. The order of the board of supervisors excluding a high school district from a junior college district shall be entered by the clerk of the board in his record of junior college districts. He shall send a copy of the order to the county clerk of each county in which any part of the junior college district is situated, who shall enter it in his record of junior college districts.

Article 14. Withdrawal of Joint Union High School Districts

25490. Any joint union high school district which is a part of a junior college district as a result of proceedings initiated by petition presented to the State Board of Education, and which petition was signed by an interim governing board of the joint union high school district, may withdraw from the junior college district in the manner prescribed by this article.

25490.5. A petition signed by a majority of the registered electors residing in the joint union high school district shall be presented to the county board of supervisors of the county in which the greatest portion of the assessed valuation of the joint union high school district is situated asking for the exclusion of such district from the junior college district.

25491. The persons securing the signatures to the petition shall attach an affidavit thereto that all persons who signed the petition did so in the presence of the affiant and that each signature is a genuine signature of the person whose name it purports to be.

25491.5. Upon the filing with it of the petition, the board of supervisors shall have jurisdiction to hear and determine the petition.

25492. The board of supervisors shall at the next regular meeting of the board, hear all persons interested in the petition and may continue the hearing from time to time but not for more than two weeks in all. If it approves the petition it shall, by an order entered upon its minutes, exclude the joint union high school district from the junior college district.

25492.5. No high school district shall be excluded from a junior college district pursuant to this article if the junior college district has any outstanding bonded indebtedness on the date of the hearing of the petition.

25493. The order of the board of supervisors excluding a joint union high school district from a junior college district shall be entered by the clerk of the board in his record of junior college districts. He shall send a copy of the order to the governing board of the junior college district and to the county clerk of each county in which any part of the junior college district is situated, who shall enter it in his record of junior college districts.

25493.5. Before any signatures are obtained to the petition asking for the exclusion of the joint union high school district from the junior college district, a copy of the text of the petition may be filed with the board of supervisors of the county whose county superintendent of schools has jurisdiction over the junior college district, and the withdrawal proceedings shall be deemed to be pending from the date of such filing.

During the first 90 days that the proceedings are pending for the withdrawal of a joint union high school district from a junior college district, no election shall be called, held, or conducted in the junior college district for the purpose of authorizing the issuance of bonds of the junior college district.

CHAPTER 3. EDUCATIONAL PROGRAM OF JUNIOR COLLEGES

Article 1. General

25500. Junior colleges shall be established and maintained in junior college districts and maintained in high school districts pursuant to Sections 25500 to 25504.5, inclusive, Sections 25506 to 25506.5, inclusive, Sections 25507.5 to 25511.5, inclusive and Sections 25540 to 25541, inclusive.

25500.5. The governing board of each junior college district shall establish and maintain one or more junior colleges.

25501. With the approval of the Superintendent of Public Instruction and the State Board of Education, the governing board of any district authorized to establish and maintain a junior college may, by resolution establish one or more four-year junior colleges for the education of pupils in grades 11 to 14, inclusive. In any junior college district embracing two or more high school districts, the resolution shall be approved in writing by a majority of the members of the governing board of each high school district before the four-year junior college may be established.

25501.5. Junior colleges maintained on July 1, 1952, by the governing board of a high school district are herewith authorized to be maintained by the governing board of a high school district.

25502. Junior colleges may be maintained as separate day or evening junior colleges or in conjunction with any day or evening high school.

25502.5. Each junior college shall provide for the education of pupils in the 13th and 14th grades and for the education of such adults and minors as may properly be admitted but who are not classifiable by grade.

25503. The governing board of any district maintaining a two-year junior college shall admit to the junior college any high school graduate.

Such governing board may admit to the junior college any apprentice, as defined in Section 3077 of the Labor Code, who, in the judgment of the governing board or of the principal of the junior college if he is so authorized by rule of the govern-

ing board, is capable of profiting from the instruction offered.

Such governing board may by rule determine whether there shall be admitted to the junior college any other person who is over 18 years of age and who, in the judgment of the board or of the principal of the junior college if he is so authorized by the rule, is capable of profiting from the instruction offered. If the governing board determines to admit such other persons, any such person shall be admitted as a provisional student and thereafter shall be required to comply with the rules and regulations prescribed by the State Board of Education or the Superintendent of Public Instruction pertaining to the scholastic achievement and other standards to be met by provisional or probationary pupils, as a condition to being readmitted in any succeeding semester. The provisions of this paragraph shall not apply to persons in attendance in special classes and programs established for adults pursuant to Article 12 (commencing with Section 6351) of Chapter 6 of Division 6, or to any persons attending on a part-time basis only.

25503.5. The principal of any two-year junior college may admit to the junior college as a special part-time student any 12th grade high school student whose admission is recommended by his high school principal. A principal of a high school may recommend a 12th grade high school student as a special part-time student pursuant to rules and regulations which may be adopted by the governing board of the district maintaining the high school. A principal of a high school shall not recommend a number of 12th grade high school students in excess of 5 percent of the total number of 12th grade students enrolled in the high school at the time of recommendation.

The attendance of a student at junior college as a special part time student pursuant to this section is authorized attendance and the student shall receive credit for junior college courses which he completes in the same manner as if he were a regularly enrolled junior college student.

Each special part-time student shall attend high school classes for at least the minimum schoolday.

25504. The principal of any junior college may, in accordance with such rules as the governing board of the district maintaining the junior college may adopt, admit to the junior college any person who has served in the active military service of the United States or of the State of California for at least 90 days during a war with any foreign power or during any period of national emergency declared by the President of the United States.

25504.5. The principal of any four-year junior college shall admit to the 11th or 12th grade of the junior college any pupil who has completed the work of the 10th grade and any other person over 16 years of age who in his judgment is capable of profiting from the instruction offered.

The governing board of the district maintaining any four-year junior college shall admit to the 13th or 14th grade of the junior college any high school graduate.

Such governing board may admit to the 13th or 14th grade of the junior college any apprentice, as defined in Section 3077 of the Labor Code, who, in the judgment of the governing board or of the principal of the junior college if he is so authorized by rule of the governing board, is capable of profiting from the instruction offered.

Such governing board may by rule determine whether there shall be admitted to the 13th or 14th grade of the junior college any other person who is over 18 years of age and who, in the judgment of the board or of the principal of the junior college if he is so authorized by the rule, is capable of profiting from the instruction offered. If the governing board determines to admit such other persons, any such person who is admitted shall be admitted as a provisional student and thereafter shall be required to comply with the rules and regulations prescribed by the State Board of Education or the Superintendent of Public Instruction pertaining to scholastic achievement and other standards to be met by provisional or probationary pupils, as a condition to being readmitted in any succeeding semester. This section shall not apply to persons in attendance in special classes and programs established for adults pursuant to Article 12 (commencing with Section 6351) of Chapter 6 of Division 6, or to any persons attending on a part-time basis only.

25505. The governing board of any district maintaining a junior college may admit nonresident students. The attendance of nonresident students shall be computed in the same manner as prescribed by this code for resident students.

The governing board of any district maintaining a junior college may contract with the appropriate agency of another state or with a local agency of another state for the payment of the cost to the district of educating nonresident students attending in the district. The cost shall be computed in the manner prescribed by Section 20201 of this code for the payment of tuition on account of the attendance of students who reside in territory of a California county that is not part of a district maintaining a junior college.

As used in this section, "nonresident student" shall have the same meaning as is given the phrase by provisions of this code prescribing fees for attendance at state colleges, except that a person whose parent or guardian is living in the State at the time of the person's registration at the junior college shall not be deemed a nonresident student. When such provisions refer to the trustees the reference shall for the purpose of this section be deemed to be to the governing board of the district and, except in subdivisions (a) and (b) of Section 23759, when such provisions refer to a state college the reference shall be deemed to be to the junior college.

25505.5. The governing board of any district maintaining a junior college may, if provisions for the payment of the cost of educating a nonresident student are not made pursuant to Section 25505, fix a nonresident fee to be paid by the student. The fee shall be uniform and shall be required of each such nonresident student. The fee shall not be less than the fee required of nonresident students of state colleges enrolled in a course of instruction prescribed for the first two years of a four-year curriculum nor more than an amount computed in the manner prescribed by Section 20201, excluding subdivision (c) thereof, of this code for the payment of tuition on account of the attendance of students who reside in territory of a California county that is not a part of a district maintaining a junior college.

25506. The governing board of any school district which is authorized to maintain a junior college may contract with the Trustees of the California State Colleges for the maintenance of a junior college in a state college situated in the district. Any contract executed pursuant to this section shall include among its provisions a requirement that all expenditures incurred for junior college maintenance shall be payable only on order of the governing board as all other expenditures of the district are payable, and an additional provision that the president of the state college shall serve as principal of the junior college and in that capacity shall be responsible to the governing board through the superintendent of schools of the district if there is one. Otherwise he shall be responsible directly to the governing board.

25506.5. Junior colleges or junior college classes maintained in a high school district may be maintained for such period and at such times during the school year as the governing board of the high school district may determine.

25507. The governing board of any district maintaining a junior college may provide for the maintenance of junior college classes on Saturday.

25507.5. The governing board of any junior college district in which is located a high school district required to maintain only one or more junior high schools, may establish and maintain special continuation education classes and, in such case, the governing board of the high school district shall not be required to establish and maintain any such classes under any other provisions of this code.

Special continuation education classes established and maintained under this section shall be deemed to be established and maintained by the governing board of the high school district for all the purposes of Sections 5951 to 5956, inclusive, and Sections 12551 to 12759, inclusive, of this code

25508. The governing board of any school district which maintains a junior college may conduct junior college classes and acquire the necessary property and erect the necessary

buildings therefor, outside of the boundaries of the school district if all of the following conditions exist:

(a) The proposed location is within the State.

(b) The activities, trades, businesses, or work to be carried on at the proposed location is such as to offer educational opportunities to students who are residents of the district in the subject or all of the subjects proposed to be taught at that location, and facilities for such instruction are not available either at the location of the principal buildings of the junior college, or elsewhere within the district.

25508.5. The governing board of any district, maintaining a junior college, may establish courses outside the district primarily for students who are nonresidents of the district, providing the following conditions are fulfilled:

(a) The governing board of a high school district, not a part of a district maintaining a junior college, with the approval of the county board of education of the county having jurisdiction over the high school district, requests that junior college classes be offered in the high school district.

(b) The district, maintaining the junior college, requests and receives annually the prior written approval of the State Board of Education before establishing or continuing such classes outside its district.

This section shall be in effect until June 30, 1963.

25509. The governing board of any school district maintaining a junior college may conduct junior college classes for students who are residents of the district and utilize existing facilities necessary therefor outside of the boundaries of the district if the district is unable to construct adequate facilities within the district because of the failure of the electors of the district to authorize the issuance of bonds for such purpose at an election held for such purpose and if the district is unable to obtain adequate facilities within the district with the funds available to the district for such purpose.

25509.5. The governing board of any district which maintains a junior college may establish and maintain junior college classes outside of the State, comprising a part of an aircraft pilot training program conducted by the district under an agreement with the federal government or any agency thereof, during the time that it is unlawful by reason of any law or order of the federal government or any agency thereof for such classes to be maintained within the district.

The governing board may make such expenditures and do such things in connection with the establishment and maintenance of classes under this section as it could do were the classes established and maintained within the district.

25510. The State Board of Education shall adopt rules and regulations fixing minimum standards entitling districts to receive state aid for the support of junior colleges.

25510.5. The State Department of Education shall annually investigate each junior college to determine whether it has met the standards.

25511. The State Board of Education shall establish criteria and standards for graded classes in grades 13 and 14.

25511.5. The governing board of a district maintaining one or more junior colleges may maintain a summer school at any of such junior colleges during the period between the close of one academic year and the beginning of the succeeding academic year in accordance with rules and regulations of the State Board of Education and with the prior written approval of the Superintendent of Public Instruction.

The term "academic year" as used in this section means that portion of the school year during which the regular day junior college is maintained, which period must include not less than the number of days of teaching required to entitle the district to apportionments of state funds.

25512. Any student political organization which is affiliated with the official youth division of any political party that is on the ballot of the State of California may hold meetings on a junior college campus and may distribute bulletins and circulars concerning its meetings, provided that there is no endorsement of such organization by the school authorities and no interference with the regular educational program of the school.

Article 2. Junior College Courses of Study

25515. The course of study for grades 11 and 12 of a four-year junior college shall be designed to meet the needs of pupils of the 11th and 12th grades of the public schools and shall be designed to meet the requirements of Section 7700 so that upon completion of grade 12 any pupil will have completed the courses required by Section 7700.

25515.5. A course of study for each junior college shall be prepared under the direction of the governing board of the district maintaining the junior college and shall be subject to the approval of the State Board of Education.

25516. The course of study for two-year junior colleges shall be designed to fit the needs of pupils of the 13th and 14th grades and may include courses of instruction designed to prepare for admission to the upper division of higher institutions of learning and such other courses of instruction designed to prepare persons for agricultural, commercial, homemaking, industrial and other vocations, and such courses of instruction as may be deemed necessary to provide for the civic and liberal education of the citizens of the community.

25516.5. No state funds shall be apportioned to any district on account of the attendance of students enrolled in junior college courses unless the courses have been approved by the State Board of Education.

25517. The governing board of each district maintaining a junior college shall prescribe requirements for graduation from junior college courses.

25517.5. The minimum requirement for graduation from a two-year junior college course of study shall be at least 60 credit hours of work.

25518. The minimum requirement for graduation from a four-year junior college course of study shall be at least 120 credit hours of work.

25518.5. One credit hour of junior college work is approximately three hours of recitation, study, or laboratory work per week throughout a term of 16 weeks. Where a term is more or less than 16 weeks more or less than one credit hour shall be allowed in the same ratio that the length of the term is to 16 weeks.

25519. The governing boards of districts maintaining junior colleges are urged to design courses including air transportation, vocational education, career opportunities in civil and military aviation, technical training, flight experience, and ground instruction in localities where the needs of the youth in these communities warrant such a course in these schools.

CHAPTER 4. JUNIOR COLLEGE PROPERTY

25530. The governing board of any district maintaining a junior college, when in its judgment necessity therefor exists, may construct and maintain dormitories in connection with any junior college within the district for use and occupancy by pupils in attendance at the junior college, and shall fix the rates to be charged the pupils for quarters in the dormitories.

25530.5. Moneys received by a district from rental of quarters in dormitories constructed with moneys derived from the sale of bonds may, in lieu of being deposited in the county treasury to the credit of the general fund of the district, be deposited in the county treasury to the credit of the interest and sinking fund of the district.

25531. If satisfactory quarters in a suitable location are offered at a rental which makes it advisable to accept them, the governing board of the junior college may lease the quarters for a period not to exceed three years.

At the expiration of the lease or other arrangement, the board may continue to renew said lease or other arrangement, for a period not to exceed three years and may continue to renew for periods not to exceed three years as long as the facilities are needed.

25531.5. Whenever the cafeteria in any junior college is used as a laboratory or classroom for the quantity preparation of food, the governing board may make such financial and administrative arrangements as it may see fit to cover the use of the cafeteria as a laboratory or classroom and the disposition or sale of the food prepared.

CHAPTER 5. FINANCE

Article 1. General

25540. Four-year junior colleges shall be financed in the same manner and from the same funds as provided for the financing of two-year junior colleges. The provisions of Sections 20201 to 20209, inclusive, of this code relating to the Junior College Tuition Fund shall not be applicable in the case of pupils attending the 11th and 12th grades in any four-year junior college except in the case of pupils who reside in an elementary school district not situated in a high school district.

25540.5. The State Board of Education shall provide for a uniform system of accounting for all junior colleges and shall by rule and regulation define and establish methods for accounting for revenues and expenses for junior college purposes in junior college districts, high school districts, and unified districts maintaining junior colleges.

25541. The governing board of each district maintaining a junior college shall report annually the revenues and expenses of the district for junior college purposes in accordance with rules and regulations of the State Board of Education and on forms furnished by the Superintendent of Public Instruction.

25541.5. The maximum rate of tax of any junior college district and of any unified school district maintaining a junior college during the first three fiscal years of its existence for all purposes is hereby increased by such amount as will produce the amount proposed to be expended by the district pursuant to any interdistrict attendance agreement as shown by the budget as finally adopted by the governing board of the district for the current fiscal year, less any unencumbered balances remaining at the end of the preceding fiscal year derived from the increase in the rate of tax provided by this section.

The increase provided by this section shall not exceed the rate of tax levied in the county pursuant to Section 20202 during the fiscal year next preceding the formation of the district for all purposes, or ten cents ($0.10) per each one hundred dollars ($100) of the assessed value of the property within the district, whichever is the greater.

If the district is situated in two or more counties, the increase provided by this section shall not exceed the highest rate of tax levied in any of the counties in which the district is situated pursuant to Section 20202 during the fiscal year next preceding the formation of the district for all purposes, or ten cents ($0.10) per each one hundred dollars ($100) of the assessed value of property within the district, whichever is the greater.

If at the end of any school year there remains an unencumbered balance derived from the revenue of the increase in tax rate hereby provided, such balance shall be used exclusively in the following school year for the payment of any obligation

incurred under the terms of an interdistrict attendance agreement for such school year.

Any junior college district or unified school district maintaining a junior college which became effective for all purposes on or after July 1, 1956, shall be deemed, for the purposes of this section, to have been effective for all purposes on July 1, 1958.

25542. Whenever the excess tax rate authorized by the voters of a single high school district of any type at an election prior to the formation of a junior college district, the boundaries of which are coterminous with the boundaries of the high school district and which districts are governed by governing boards of identical personnel, is continued at the option of the governing boards of said districts as the maximum combined rate of both of said districts for combined high school and junior college purposes pursuant to Section 25445 of this code and the boundaries of such high school and junior college districts thereafter become noncoterminous as a result of any junior college district organization proceedings pursuant to this chapter or otherwise, such excess tax rate shall be continued at the option of the governing board of the high school district as the maximum tax rate of said district for high school purposes for a period not to exceed the period of time for which such excess tax rate was so previously authorized by the voters of the high school district and so continued pursuant to said Section 25445 of this code.

25542.5. When a high school district or unified school district ceases to maintain a junior college by virtue of its inclusion in a new or reorganized junior college district established so as to be effective for all purposes pursuant to Section 1601 on or after July 1, 1961, any balances remaining in the general fund and special reserve fund of the high school district or unified district at the end of the last year in which the district maintained a junior college shall be divided between such district and the junior college district in the following manner:

(a) The balance remaining in the general fund shall be divided in the same ratio that the expenditures from that fund for junior college purposes for the last year in which the junior college was maintained bear to the other expenditures of the district during that year. The amount so allocable to the junior college district shall be transferred to, and deposited in, the general fund of that district.

(b) The balance remaining in the special reserve fund deposited there by the district governing board to be used for junior college purposes, shall be transferred to the junior college district and deposited in the special reserve fund of that district.

Article 2. The Junior College Revenue Bond Act of 1961

25545. This article may be cited as "the Junior College Revenue Bond Act of 1961."

25545 01. The governing board of any school district maintaining a junior college may issue revenue bonds pursuant to this article.

25545.02. The following terms wherever used or referred to in this article, or in any indenture entered into pursuant hereto, shall have the following meanings, respectively, unless a different meaning appears from the context:

(a) "Board" means the governing board of a school district maintaining a junior college.

(b) "Junior college" means a junior college maintained by the school district issuing bonds under this article.

(c) The term "project" means any one or more dormitories or other housing facilities, boarding facilities, student union or activity facilities, vehicle parking facilities or any other auxiliary or supplementary facilities for individual or group accommodation, owned or operated or authorized to be acquired, constructed, furnished, equipped and operated by the board for use by students, faculty members or other employees of any one or more junior colleges, or a combination of such facilities, which may include facilities already completed and facilities authorized for future completion, designated by the board as a project in providing for the issuance of revenue bonds.

(d) The term "bonds" or "revenue bonds" means the written evidence of any obligation issued by the board, payment of which is secured by a pledge of revenues or any part of revenues, as provided in this article, in order to obtain funds with which to carry out the purposes of this article, irrespective of the form of such obligations

(e) The term "revenues" means and includes any and all fees, rates, rentals and other charges received or receivable in connection with, and any and all other incomes and receipts of whatever kind and character derived by, the board from the operation of or arising from a project, including any such revenue as may have been or may be impounded or deposited in any fund in the county treasury created by this article for the security of any revenue bonds issued hereunder, or for the purpose of providing for the payment thereof or the interest thereon.

(f) The "holder of bonds" or "bondholder" or any similar terms shall mean any person who shall be the bearer of any outstanding revenue bond or bond registered to bearer or not registered or the registered owner of any such outstanding revenue bond or bond which shall at the time be registered other than to bearer.

(g) The term "indentures" means an agreement entered into by the board pursuant to which revenue bonds are is-

sued, regardless of whether such agreement is expressed in the form of a resolution of the board or by other instrument.

(h) The term "person" includes any individual, firm, corporation, association, copartnership, trust, business trust or receiver or trustee or conservator for any thereof, but does not include this State or any public corporation, political subdivision, city, county, district or any agency thereof or of this State.

(i) "County treasurer" means the treasurer of the county in which all or a majority of the assessed valuation of the district lies at the time bonds are issued under this article.

(j) "County" means the county, or city and county, in which all or a majority of the assessed valuation of the school district lies at the time bonds are issued under this article.

25545.03. The board, for the purpose of this article, has power and is hereby authorized, in addition to and amplification of all other powers conferred upon said board by the Constitution of the State of California or by any statute of the State of California:

(a) To acquire subject to the state law, by grant, purchase, gift, devise, lease, or by the exercise of the right of eminent domain, and to hold and use any real or personal property necessary or convenient or useful for the carrying on of any of its powers pursuant to the provisions of this article.

(b) To construct, operate and control any project.

(c) To fix rates, rents or other charges for the use of any project acquired, constructed, equipped, furnished, operated or maintained by the board, or for services rendered in connection therewith, and to alter, change or modify the same at its pleasure, subject to any contractual obligation which may be entered into by the board with respect to the fixing of such rates, rents or charges.

(d) To enter into covenants to increase rates or charges from time to time as may be necessary pursuant to any such contract or agreement with the holders of any bonds of the board.

(e) At any time and from time to time to issue revenue bonds in order to raise funds for the purpose of establishing any project or of acquiring lands for any project, or of acquiring, constructing, improving, equipping or furnishing any project, or of refinancing any project, or for any combination of such purposes, which bonds may be secured as hereinafter provided.

(f) To exercise, subject to state law, the right of eminent domain for the condemnation of private property or any right or interest therein.

(g) To adopt such rules and regulations as may be necessary to enable the board to exercise the powers and to perform the duties conferred or imposed upon the board by this article.

(h) Nothing contained in this section or elsewhere in this article shall be construed directly or by implication to be in

any wise in derogation of or in limitation of powers conferred upon or existing in the board by virtue of provisions of the Constitution or statutes of this State.

25545.04. The validity of the authorization and issuance of any revenue bonds by the board is not dependent on nor affected in any way by:

(a) Proceedings taken by the board for the acquisition, construction or completion of any project or any part thereof.

(b) Any contracts made by the board in connection with the acquisition, construction or completion of any project.

(c) The failure to complete any project for which bonds are authorized to be issued.

25545 05. The board shall issue revenue bonds in its name and as its obligation, but no bond issued or sold pursuant to this article shall be or become a lien, charge or liability against the State of California, against the school district, or against the board or against the property or funds of the State, district, or board, except to the extent of the pledge of revenues or part of revenues of the project, as may be provided by the indenture pursuant to which revenue bonds are issued, and every such bond issued by the board shall contain a recital on the face thereof, stating that neither the payment of the principal nor any part thereof, nor any interest thereon, constitutes a debt, liability or obligation of the State of California or of the school district.

25545 06. The board shall determine the time, form and manner of the issuance of revenue bonds.

25545 07. The board may enter into indentures providing for the aggregate principal amount, date or dates, maturities, interest rates, denominations, form, registration, transfer and interchange of any revenue bonds and coupons issued pursuant to this article, and the terms and conditions on which the same shall be executed, issued, secured, sold, paid, redeemed, funded and refunded Reference on the face of the bonds to such indenture by its date of adoption, or the apparent date on the face thereof, is sufficient to incorporate all of the provisions thereof and of this article into the body of the bonds and their appurtenant coupons. Each taker and subsequent holder of the bonds or coupons, whether the coupons are attached to or detached from the bonds, has recourse to all of the provisions of the indenture and of this article, and is bound thereby.

25545 08. An indenture pursuant to which bonds are issued may include any and all such covenants and agreements on the part of the board as the board deems necessary or advisable for the better security of the bonds issued thereunder.

25545.09. An indenture may provide that payments of principal and interest of bonds shall be secured by all or by part of revenues.

25545.10. An indenture may include a clause relating to the bonds issued thereunder requiring the board to pay or

cause to be paid punctually the principal of all such bonds and the interest thereon on the date or dates, or at the place or places, and in the manner mentioned in such bonds and in the coupons appertaining thereto in accordance with such indenture.

25545.11. An indenture may include a clause relating to the bonds issued thereunder, requiring the board to operate the project continuously, to the extent practicable under conditions as they may from time to time exist, in an efficient and economical manner.

25545.12. An indenture may include a clause relating to the bonds issued thereunder requiring the board to make all necessary repairs, renewals and replacements to any project, and to keep the project at all times in good repair, working order and condition.

25545.13. An indenture may include a clause relating to the bonds issued thereunder requiring the board to preserve and protect the security of the bonds and the rights of the holders thereof and to warrant and defend such rights.

25545.14. An indenture may include a clause relating to the bonds issued thereunder requiring the board to pay and discharge or cause to be paid and discharged all lawful claims for labor, materials and supplies or other charges which, if unpaid, might become a lien or charge upon the revenues, or any part thereof, of any project acquired, constructed or completed from the proceeds of the sale of the bonds, or upon any physical properties, or which might impair the security of the bonds.

25545.15. An indenture may include a clause relating to the bonds issued thereunder which limits, restricts, or prohibits any right, power or privilege of the board to mortgage or otherwise encumber, sell, lease or dispose of any improvements constructed from the proceeds of the bonds, or to enter into any lease or agreement which impairs or impedes the operation of a project, or any part thereof, necessary to secure adequate revenues or which otherwise impairs or impedes the rights of the holders of the bonds with respect to such revenues.

25545.16. An indenture may include a clause relating to the bonds issued thereunder requiring the board to fix, prescribe and collect rates, rentals or other charges in connection with the services and facilities furnished from the project acquired, constructed or purchased from part or all of the proceeds of the bonds, sufficient to pay the principal of and interest on the bonds as they become due and payable, together with such additional sums as may be required for any fund created by this article, for the further security of such bonds or as a depreciation charge or other charge in connection with such project.

25545.17. An indenture may include a clause relating to the bonds issued thereunder requiring the board to hold or cause to be held in trust the revenues or any part of revenues pledged to the payment of such bonds and the interest thereon,

or to any reserve or other fund created by this article for the further protection of the bonds, and to apply such revenues or any part of revenues or cause them to be applied only as provided in the indenture.

25545.18. An indenture may include a clause defining the power of the board in applying the proceedings of the sale of any issue of bonds for the acquiring, constructing, or completing of any project or any part thereof.

25545.19. An indenture may include a clause limiting the power of the board to issue additional bonds for the purpose of acquiring, constructing or completing any project or any part thereof.

25545.20. An indenture may include a clause requiring, specifying or limiting the kind, amount and character of insurance to be maintained by the board on any project, or any part thereof, and the use and disposition of the proceeds of any such insurance thereafter collected.

25545.21. An indenture may include a clause providing the events of default and the terms and conditions upon which any or all of the bonds of the board then or thereafter issued may become or be declared due and payable prior to maturity, and the terms and conditions upon which such declaration and its consequences may be waived.

25545.22. An indenture may include a clause designating the rights, limitations, powers and duties arising upon breach by the board of any of the covenants, conditions, or obligations contained in any indenture.

25545.23. An indenture may include a clause prescribing a procedure by which the terms and conditions of the indenture may be subsequently amended or modified with the consent of the board and the vote or written assent of the holders of a specified principal amount or specified proportion of the bonds issued and outstanding. Such clause may provide for meetings of bondholders and for the manner in which the consent of the bondholders may be given. The clause shall specifically state the effect of such amendment or modification upon the rights of the holders of all of the bonds and interest coupons appertaining thereto, whether attached thereto or detached therefrom.

With respect to any clause providing for the modification or amendment of an indenture, the board may agree that bonds held by the county treasurer, the United States or any instrumentality thereof, or the State of California or any political subdivision thereof (including every municipal corporation, district, public corporation, board or agency of any kind or class) shall not be counted as outstanding bonds, or be entitled to vote or assent, but shall, nevertheless, be subject to any such modification or amendment.

25545.24. An indenture may include a clause or clauses providing for such other acts and matters as may be necessary or convenient or desirable in order better to secure the bonds or to make the bonds more marketable.

25545.25. The county treasurer shall act as trustee for the board and the holders of bonds issued hereunder, and the board may authorize the trustee to act on behalf of the holders of the bonds, or any stated percentage thereof, and to exercise and prosecute on behalf of the holders of the bonds such rights and remedies as may be available to the holders. The board may provide in the indenture for the deposit of all revenues received from the project with such trustee to be held in a separate account in the junior college dormitory revenue fund of the district created by this article. The money in such fund shall be disbursed only as provided in the indenture.

25545.26. The board shall prescribe the duties and powers of any such trustee with respect to the issuance, authentication, sale and delivery of the bonds and the payment of principal and interest thereof, the redemption of the bonds, the registration and discharge from registration of the bonds, and the management of any sinking fund or other funds provided as security for the bonds.

25545 27. The board may provide for one or several issues of bonds and may issue bonds in series or may divide any issue into one or more divisions and fix different maturities or dates of such bonds, different rates of interest, or prescribe different terms and conditions for the bonds of the several series or divisions. It is not necessary that all bonds of the same authorized issue be of the same kind or character, have the same security, or be of the same interest rate, but the terms thereof shall in each case be provided for by the board at or prior to the issue thereof.

25545.28. Bonds may be issued as coupon bonds or as registered bonds. The board may provide for the interchange of coupon bonds for registered bonds and registered bonds for coupon bonds, and may provide that the bonds shall be registered as to principal only, or as to both principal and interest, or otherwise as the board may determine.

25545.29. Bonds shall bear interest at a rate of not to exceed six (6) percent per annum, payable annually or semiannually or in part annually and in part semiannually.

25545 30. Bonds may be callable upon such terms, conditions, and upon such notice as the board may determine, and upon the payment of such premium as may be fixed by the board in the proceedings for the issuance of the bonds. No bond is subject to call or redemption prior to its fixed maturity date unless the right to exercise such call is expressly stated on the face of the bond.

25545.31. The board may provide for the payment of the principal and interest of bonds at any place within or without the State of California, and in specified coin or currency of the United States.

25545.32. The board may provide for the execution and authentication of bonds by the manual, lithographed or printed facsimile signature of officers of the board and by additional authentication by the county treasurer as trustee. If any of

the officers whose signatures or countersignatures appear upon the bonds or coupons cease to be officers before the delivery of the bonds or coupons, their signatures or countersignatures are nevertheless valid and of the same force and effect as if the officers had remained in office until the delivery of the bonds and coupons.

25545 33. Bonds shall bear dates prescribed by the board. Bonds may be serial bonds or sinking fund bonds with such maturities as the board may determine. No bond by its terms shall mature in more than 50 years from its own date and, in the event any authorized issue is divided into two or more series or divisions, the maximum maturity date herein authorized shall be calculated from the date on the face of each bond separately, irrespective of the fact that different dates may be prescribed for the bonds of each separate series or division of any authorized issue.

25545.34. Immediately after the adoption of a resolution by the board, directing the preparation of any bonds authorized under this article, the county treasurer shall prepare the requisite number of suitable bonds of the denominations, and in accordance with the specifications contained in such resolution.

25545 35. When the bonds authorized to be issued under this article shall be duly executed, they shall be sold by the county treasurer, for cash, in such parcels and numbers as the said treasurer shall be directed by the board, after a resolution requesting such sale shall have been adopted by the board. Before offering any of said bonds for sale, the said treasurer shall detach therefrom all coupons, if any, which have matured or will mature before the day fixed for such sale.

25545.36. Bonds may be sold at either public or private sale. The board may fix terms and conditions for the sale or other disposition of any authorized issue of bonds. The county treasurer, when authorized by resolution of the board, may sell bonds at less than their par or face value, but no bond may be sold at a price below the par or face value thereof which would result in a sale price yielding to the purchaser an average of more than six (6) percent per annum, payable semiannually, according to standard tables of bond values

25545.37 The board may provide for the security of bonds. The board may use and expend all or any part of any funds or proceeds of any property owned by it, whether received by gift, appropriation or otherwise, if not restricted as to the use of such funds or proceeds of property by the terms of any gift or trust or provision of law for the redemption of bonds issued pursuant to the provisions of this article and the payment of interest due thereon.

25545.38. All costs and expenses incident to the issuance and sale of bonds may be paid out of the proceeds of the sale of the bonds. Interest on bonds may be paid out of the proceeds of the sale of the bonds during the actual construction of any project for the acquisition, construction or completion of

which the bonds have been issued, and for a period of not to exceed two (2) years thereafter as provided for in the indenture.

25545.39. The board may provide that the bonds and the interest thereon shall be secured by all or by part of revenues of a project upon the basis of which revenue bonds are issued or authorized to be issued, and shall constitute such lien upon the revenues of such project as may be provided for in the indenture.

25545.40. Pending the actual issuance or delivery of revenue bonds, the board may issue temporary or interim bonds, certificates or receipts of any denomination whatsoever, and with or without coupons, to be exchanged for definitive bonds when ready for delivery.

25545.41. The board may provide for the replacement of lost, destroyed or mutilated bonds, or coupons.

25545.42. Bonds issued pursuant to the provisions of this article and the interest or income therefrom are exempt from all taxation in this State other than gift, inheritance and estate taxes.

25545.43. Notwithstanding any other provision of law, all bonds sold and delivered pursuant to this article are legal investments for all trust funds and for the funds of all insurance companies, banks, both commercial and savings, trust companies, the state school funds, and any public or private funds which may be invested in county, municipal or school district bonds, and may be deposited as security for the performance of any act whenever the bonds of any county, municipality or school district may be so deposited, and may also be used as security for the deposit of public moneys in banks in this State.

25545.44. The board may provide for the issuance, sale, or exchange of refunding bonds for the purpose of redeeming or retiring any revenue bonds issued under the provisions of this article. All provisions of this article applicable to the issuance of revenue bonds are applicable to the funding or refunding bonds and to the issuance, sale or exchange thereof.

25545.45. Funding or refunding bonds may be issued in a principal amount sufficient to provide funds for the payment of all bonds to be funded or refunded thereby, and in addition for the payment of all expenses incident to the calling, retiring or paying of such outstanding bonds, and the issuance of such funding or refunding bonds. These expenses include the difference in amount between the par value of the funding or refunding bonds and any amount less than par for which the funding or refunding bonds are sold, any amount necessary to be made available for the payment of interest upon such funding or refunding bonds from the date of sale thereof to the date of payment of the bonds to be funded or refunded or to the date upon which the bonds to be funded or refunded will be paid pursuant to the call thereof or agreement with the holders thereof, and the premium, if

any, necessary to be paid in order to call or retire the outstanding bonds and the interest accruing thereon to the date of the call or retirement.

25545.46. All bonds issued under the provisions of this article are negotiable instruments, except when registered in the name of a registered owner.

25545.47. Before issuing any bond or bonds pursuant to the provisions of this article, the board shall by resolution declare the purpose for which the proceeds of the bonds proposed to be issued shall be expended and shall specify the maximum amount of bonds to be issued or sold for such purpose, and bonds shall not be issued or sold for such purpose in an amount exceeding such specified maximum except with the consent of bondholders, pursuant to amendment or modification of an indenture, as provided in Section 25545.23. Nothing in this section contained shall be construed to prevent the board from amending any such resolution prior to the issuance of bonds authorized thereby to increase or decrease the maximum amount of bonds to be issued or sold. The issuance of bonds for one or more projects may be included in a single resolution of authorization.

25545.48. The board has full charge of the acquisition, construction and completion of all projects authorized by them and may proceed with such work forthwith.

25545.49. The board may construct any project and acquire all property necessary therefor on such terms and conditions as it may deem advisable. When any part of the work is to be done or performed by any public body or by the United States jointly or in conjunction with the board, the portion of the cost thereof to be borne by the board may be turned over to the government of the United States or to any other public body to be expended by it in the acquisition, construction or completion of the project.

25545.50. Title to all property acquired by the board and the revenues and income therefrom is in the school district. The title to any moneys, revenues, sinking funds, reserve funds and other funds created by this article and the income thereof pledged to the payment of the principal or interest or any bonds issued thereunder is subject to trusts declared in favor of the bondholders. All such property, and the income therefrom, are exempt from all taxation by the State of California or by any county, city and county, city, district, political subdivision or public corporation thereof.

25545.51. At all times the operation, maintenance, control, repair, construction, reconstruction, alteration and improvement of any project are vested in the board subject to such authorized leases as may be permitted by any indenture. The board shall comply with all applicable county and city zoning, building and health regulations.

25545.52. The board may use for the payment of the costs of acquisition, construction or completion of any project any funds made available to the board by the State of California

or any other funds provided by the board from any source, to be expended for the accomplishing of the purposes set forth in this chapter, together with the proceeds of revenue bonds issued and sold by the board.

25545.53. The board may insure against loss of revenues from any cause whatsoever and the proceeds of any such insurance shall be used solely for the payment of bonds and the interest thereon.

25545.54. The board may insure against public liability or property damage. The board may provide in an indenture for the carrying of such or any other insurance in such amount and of such character as it shall determine, and for the payment of the premiums thereon.

25545.55. When authorized by resolution of the board, as provided in this article, the county treasurer shall prepare and procure the printing or engrossing of bonds, coupons, indenture or other instruments and contracts or agreements of every kind required or convenient for or pertaining to the issuance or sale of bonds.

25545.56. The board shall fix rents, charges and fees for all projects acquired, constructed or completed under the terms of this article for the use thereof by any persons utilizing the facilities thereof, subject to such contractual obligations as may be entered into by the board and the holders of bonds issued under this article. The board is authorized to change rents, charges and fees from time to time, as conditions warrant. All rents, charges and fees shall at all times be fixed to yield annual revenue equal to annual operating and maintenance expenses, including repairs and insurance costs and all redemption payments and interest charges and reserve fund requirements on revenue bonds at any time issued and outstanding hereunder, as the same become due.

25545.57. Rent, charges, and fees collected in error may be refunded by the board in accordance with regulations prescribed by the board Refunds of rent, charges, and fees collected for facilities requested by students and not utilized by them may be made for good cause by the board in such amounts and under such conditions as may be prescribed by regulations adopted by the board.

25545.58. The board may include in an indenture such limitations as to competitive projects, both as to location and comparative rentals, as may be deemed necessary or desirable for the security of revenue bonds issued pursuant to this article.

25545.59. The board may also include in an indenture a covenant that no project acquired, constructed or completed from the proceeds of revenue bonds issued under the provisions of this article shall be used without charge therefor or any facilities thereof be furnished free of charge to any person.

25545.60. The holder of any bond issued pursuant to this article may by mandamus or other appropriate proceeding require and compel the performance of any of the duties in-

posed upon the board or upon any official or employee or assumed by any thereof, in connection with the acquisition, construction, operation, maintenance, repair, reconstruction or insurance of any project, or the collection, deposit, investment, application and disbursement of rents, rates, charges, fees and all other revenues derived from the operation and use of any project or in connection with the deposit, investment and disbursement of the proceeds received from the sale of bonds under this article. The enumeration of such rights and remedies does not, however, exclude the exercise or prosecution of any other rights or remedies available to the holders of bonds issued pursuant to this article.

25545.61. The proceeds from the sale of all bonds authorized under the provisions of this article shall be deposited forthwith by the county treasurer, on order of the county auditor, in the county treasury to the credit of a fund to be designated as the junior college dormitory construction fund of the district, which fund is hereby created in each county treasury for each school district in the county issuing bonds pursuant to this article. The money in such construction fund shall be expended, pursuant to claims filed by the board with the county auditor, for the purposes authorized by this article, or as provided in the indenture, and for such other purposes, subject to the restrictions provided by law or by the indenture, as may be authorized by resolution of the board. Moneys required to meet the costs of acquisition or construction and all expenses and costs incidental to the acquisition, construction, furnishing and equipping of any project authorized by this article shall be paid from the said construction fund as herein provided upon claim filed by the board and after audit by the county auditor in the manner provided by law and upon warrants drawn by the county auditor.

25545.62. All revenues received from the operation of any project acquired or constructed by the board under the provisions of this article shall be transmitted by the board at least once in every calendar month, to the county treasurer. On order of the county auditor, the county treasurer shall deposit such revenues in the county treasury to the credit of the junior college dormitory revenue fund of the district, which fund is hereby created in each county treasury for each district in the county issuing bonds under this article. Moneys in the junior college dormitory revenue fund shall be used to pay the costs of operation and maintenance of the projects authorized by this article, including refunds authorized by Section 25545.57, to provide the amounts required for interest and redemption of bonds as provided in this article, and for any other purposes authorized by resolution of the board, subject to any restrictions provided by law or the indenture.

25545.63. For the payment of the principal and interest of the bonds authorized to be issued under this article, an interest and redemption fund is hereby created in each county treasury for each school district issuing bonds under this

article, to be designated the junior college dormitory interest and redemption fund of the district. From the money deposited in the junior college dormitory construction fund of the district, the county treasurer, on order of the county auditor, shall transfer to the junior college dormitory interest and redemption fund of the district such sums as may be required to pay the interest as it becomes due on all bonds sold and outstanding for the construction or acquisition of a particular project of the district authorized under this article during the period of actual construction or acquisition thereof and during such period thereafter as may be provided in the indenture or authorized by resolution of the board. The county treasurer, on order of the county auditor, shall thereafter transfer from the junior college dormitory revenue fund of the district to the junior college dormitory interest and redemption fund of the district such sums as may be required to pay the interest on said bonds and redeem the principal thereof as such interest payments and bond redemptions fall due for all bonds issued under the provisions of this article.

25545.64. Any balance remaining in any of the funds created by this article after payment of all costs, expenses, and charges authorized to be expended therefrom, may be allocated and used for such other purposes incidental to the acquisition, construction, furnishing, equipping, operation and maintenance of such projects authorized under the provisions of this article as the board may determine.

25545 65. Moneys in the junior college dormitory construction fund of each district may be invested by the board, subject only to such limitations as may be provided in an indenture providing for the issuance of revenue bonds. All securities or other investments made under the provisions of this article shall be held by the county treasurer as custodian thereof. All interest or other earnings received pursuant to such investments shall be collected by the county treasurer, and, on order of the county auditor, shall be deposited in the county treasury to the credit of the fund from which such interest or other earnings are derived.

25545 66. After all of the revenue bonds shall have been fully paid and discharged, or provision for their payment and discharge irrevocably made, any surplus moneys in the junior college dormitory construction fund of a district shall, subject to the limitations and restrictions in any indenture providing for the issuance of the revenue bonds, remain available for the acquisition of sites for, and for the construction, equipping and furnishing of, buildings for junior colleges maintained by the district.

25545.67. This article shall be liberally construed to carry out the objects and purposes and the declared policy of the State of California as in this article set forth.

SEC. 3. Section 8454 of said code is amended to read:

8454. (a) No bulletin, circular, or other publication of any character whose purpose is to spread propaganda or to foster

membership in or subscriptions to the funds of any organization not directly under the control of the school authorities, or to be used as the basis of study or recitation or to supplement the regular school studies shall be distributed or suffered to be distributed or shown to the pupils of any public school, on the school premises during school hours or within one hour before the time of opening or within one hour after the time of closing of the school. (b) No pupils of the public school shall be solicited by teachers or others to subscribe to the funds of, or work for, any organization not directly under the control of the school authorities. (c) No instruction shall be given through lectures or other means, unless the material contained in the bulletin, circular, or publication, or the purpose of the subscription or instruction has been approved by the State Board of Education, or by the county board of education, or by the governing board of the school district in which the school is situated.

No prohibition of this section shall apply to bulletins or circulars concerning the meetings of their organizations issued by any parent-teacher association or by any organization of parents formed for the purpose of co-operating with the school authorities in improving school conditions in the district.

SEC. 4. Section 989 of said code is repealed.

SEC. 5. Section 7751 of said code is repealed.

SEC. 6. Section 8403 of said code is repealed.

SEC. 7. Section 17004 of said code is repealed.

SEC. 8. Section 20802 of said code is repealed.

SEC. 9. Chapter 6 (commencing with Section 1401) of Division 4, Chapter 7 (commencing with Section 2551) of Division 5, Chapter 8 (commencing with Section 22200) of Division 16, Article 4 (commencing with Section 5701) of Chapter 5 of Division 6, Article 5 (commencing with Section 7801) of Chapter 2 of Division 7, and Article 8 (commencing with Section 15651) of Chapter 2 of Division 11 of said code are repealed.

CHAPTER 101

An act to amend Sections 23201, 23207, 23214, 23215, 23216, 23217 and 23218 of, and to add Section 23225 to, the Government Code, relating to alterations of boundaries of counties, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 19, 1963. Filed with Secretary of State April 19, 1963.]

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

SECTION 1. Section 23201 of the Government Code is amended to read:

23201. Any existing boundary line between counties shall not be changed, altered, or reformed so as to cause:

(a) The line to pass within five miles of the county seat of the county from which territory is taken except with the consent of a four-fifths majority of the board of supervisors of each county affected by such change.

(b) The line to be moved a distance in excess of five miles from its original location.

(c) A reduction by more than 5 percent in the area of the county from which territory is taken.

(d) A reduction by more than 3 percent in the population of the county affected.

SEC. 2. Section 23207 of said code is amended to read:

23207. The petition shall contain in substance the following information:

(a) A particular description of the proposed new boundary line as it will appear or exist if the existing boundary line is changed, altered, and reformed.

(b) A statement whether or not the proposed new boundary line will pass within five miles of the county seat of the county from which territory is taken.

(c) A statement that the distance at which the proposed boundary line is located from the existing boundary line does not exceed five miles.

(d) A statement of the area in square miles of the territory proposed to be transferred and that the area does not exceed more than 5 percent of the area of the county from which it is taken.

(e) A statement that the proposed change will not reduce the population of the county affected by more than 3 percent.

(f) A statement that the petition is accompanied by a written consent signed by not less than 50 percent of all of the owners of land within the territory proposed to be transferred to the county other than that where originally located.

SEC. 3. Section 23214 of said code is amended to read:

23214. At the time fixed for hearing the board of each county in which the petition has been filed shall proceed to hear the petitioners and opponents. Each board may adjourn the hearing from time to time, not exceeding 14 days in all. It shall receive the proofs offered to establish or controvert the facts set forth in the petition, and on final hearing each board shall by ordinance entered on its minutes determine:

(a) The proposed new boundary as set forth and shown on the map attached to the petition.

(b) Whether the proposed new boundary line passes within five (5) miles of any county seat of the counties from which territory is taken, whether or not the proposed new boundary line is moved a greater distance than five (5) miles from its existing location, and whether the territory proposed to be transferred exceeds 5 percent of the county from which it is to be taken.

(c) That all of the signers of the petition are qualified electors within the county in which the petition was circulated and filed, and whether or not signers on the written

statement attached to and filed with the petition own land within the territory affected by the proposed change.

(d) The population of the territory affected by the proposed change of boundary line and whether or not the change will reduce the population of the county affected by more than 3 percent.

SEC. 4. Section 23215 of said code is amended to read:

23215. Each board may grant the prayer of each of the petitions filed with it if it determines that:

(a) The proposed transfer of territory will not reduce the population of the county affected by more than 3 percent.

(b) The area proposed to be transferred does not exceed 5 percent of the county from which it is taken.

(c) The line of the territory proposed to be transferred passes or does not pass within five miles of the county seat of the county from which territory is taken.

(d) The petition contains the genuine signatures of at least 25 of the qualified electors residing within the county to which the proposed transfer is to be made.

(e) The petitions contain the genuine signatures of at least 25 of the qualified electors residing within the county from which the territory is proposed to be transferred.

(f) The petitions contain the written consent of at least 50 percent of all the owners of land within the territory proposed to be transferred.

SEC. 5. Section 23216 of said code is amended to read:

23216. If each board grants the prayer of the petition, the proposed transfer shall be made pursuant to this article; but if either of the boards refuses to grant the prayer of the petition, the transfer shall not be made. If the line of the territory proposed to be transferred passes within five miles of the county seat from which territory is taken, the ordinance granting the prayer of the petition may be adopted only by a four-fifths vote of the board of each county.

SEC. 6. Section 23217 of said code is amended to read:

23217. If the prayer of the petition is granted by each of the boards with which the petitions were filed, each board shall, by an ordinance entered upon its minutes, so declare.

SEC. 7. Section 23218 of said code is amended to read:

23218. After the expiration of 30 days from the passage of the ordinances, each board shall forthwith cause a copy of its ordinance duly certified, to be filed in the office of the Secretary of State. From and after the date of filing of the later of the ordinances the territory is fully transferred.

SEC. 8. Section 23225 is added to said code, to read:

23225. If any alteration of county boundaries pursuant to this article results in territory of a district being transferred from one county to another, the boards of supervisors of the two counties shall determine whether it is in the best interests of the people in the territory for the territory to remain within the district or be withdrawn. If both boards of supervisors determine that the territory should be withdrawn from the

district, the withdrawal shall be effective upon the filing of a copy of the ordinance so holding by the board of supervisors of each county with the Secretary of State.

If there is district indebtedness outstanding on the effective date of withdrawal, the territory withdrawn shall nevertheless remain liable for assessment and payment of the tax for its pro rata share thereof until the extinguishment of such indebtedness.

SEC. 6. This act is an urgency measure necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution; and shall go into immediate effect. The facts constituting such necessity are:

Certain public works facilities are urgently needed to be developed to service the needs of rapidly growing urban areas. When the sites of such public works are divided by county boundaries, their development is impeded. In order to avoid delay in the construction of needed public works, it is necessary that this legislation go into immediate effect.

CHAPTER 102

An act to amend Section 13160 of the Health and Safety Code, relating to fire extinguishers.

[Approved by Governor April 19, 1963. Filed with Secretary of State April 19, 1963.]

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

SECTION 1. Section 13160 of the Health and Safety Code is amended to read:

13160. With the advice of the State Fire Advisory Board, the State Fire Marshal shall adopt, in accordance with the provisions of Chapter 4 (commencing with Section 11370), Part 1, Division 3, Title 2 of the Government Code, and enforce and administer such regulations and standards as he may deem necessary for the protection and preservation of life and property to control the marketing, sale, distribution, use, capacity, servicing, charging, and effectiveness of all fire extinguishers, portable appliances, and devices for controlling and extinguishing fires. In adopting such regulations, the State Fire Marshal shall consider as evidence of generally accepted safety standards the Fire Code of the National Fire Protection Association.

The provisions of this article and the rules and regulations adopted by the State Fire Marshal pursuant thereto shall not be construed to be applicable to fire alarm systems, sprinkler systems, or any other systems installed by contractors pursuant to Chapter 9 (commencing with Section 7000), Division 3 of the Business and Professions Code.

The provisions of this article regarding the marketing, sale, and distribution of fire extinguishers, and the rules and regulations adopted by the State Fire Marshal pursuant to this article with regard to the marketing, sale, and distribution of fire extinguishers, shall not be applicable to any person who is engaged in any business activity, if the only fire extinguishers, portable appliances, or devices which he markets, sells, or distributes are new fire extinguishers, portable appliances, or devices which are of a United States Coast Guard-required type and size, are approved by an underwriter laboratory which is accepted by the United States Coast Guard, and are a part of the equipment of any boat, ship, or other vessel, or are marketed, sold, or distributed for use as a part of the equipment of any boat, ship, or other vessel.

CHAPTER 103

An act to amend Section 28118 of the Government Code, relating to salaries of county officers.

[Approved by Governor April 19, 1963. Filed with Secretary of State April 19, 1963.]

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

SECTION 1. Section 28118 of the Government Code is amended to read:

28118. In a county of the 18th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The county auditor, ten thousand two hundred dollars ($10,200) a year.

(b) The district attorney, thirteen thousand dollars ($13,000) a year. He shall devote his entire time to the duties of his office and shall not engage in the private practice of law during his term in office.

(c) Each supervisor, six thousand dollars ($6,000) a year for all personal services performed by him as supervisor and member of the board of equalization, and his actual and necessary traveling expenses incurred in performing any of the duties of his office, the claim for which shall be allowed and paid out of the county general fund in the same manner as other claims are allowed and paid. The traveling expenses exclusive of meals and hotel accommodations shall not exceed eight cents ($0.08) a mile.

(d) Each member of the grand jury shall be allowed four dollars ($4) for each day in attendance upon the sessions of the grand jury or for each day's active and necessary service as a member of any committee of the grand jury. Each grand juror shall be allowed mileage at the rate of five cents ($0.05) a mile for each mile actually and necessarily traveled in attendance upon and returning from meetings of the grand jury

or any actual or necessary session of a grand jury committee duly called by the secretary or committee chairman, but no mileage shall be allowed outside of the county. For attending as a trial juror in a criminal action in the superior court, three dollars ($3) per day if called but not sworn to try the cause, and four dollars ($4) per day if called and sworn to try the cause. For attending as a trial juror in a civil action in the superior court, four dollars ($4) per day if called but not sworn to try the cause and five dollars ($5) per day if called and sworn to try the cause. For attending as a trial juror in the justice court for each juror sworn to try the cause, two dollars ($2) a day. For each mile actually traveled in attending court as a juror, seven cents ($0.07) a mile each way from the place of residence to the court.

CHAPTER 104

An act to amend Section 830.3 of the Agricultural Code, relating to fruits, nuts, and vegetables.

[Approved by Governor April 19, 1963. Filed with Secretary of State April 19, 1963.]

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

SECTION 1. Section 830.3 of the Agricultural Code is amended to read:

830.3. Any commissioner may issue to any person residing in his county or maintaining a principal place of business therein a permit to sell, buy, receive, transport, deliver, or cause to be transported fruits, nuts or vegetables exempt from the standards established in this chapter, for any one or more of the purposes set forth in Section 830; but no permit shall be issued for the purpose set forth in subparagraph (a) of Section 830 unless and until the commissioner has found and determined that the packing plant from which the fruits, nuts, or vegetables are to be transported or delivered has not proper and adequate facilities for processing, grading, packing, or reconditioning the particular lot of fruits, nuts, or vegetables, and that the packing plant to which the fruits, nuts, or vegetables are to be transported has such facilities. Such permits may be issued for a period not exceeding 36 months.

No permit issued hereunder, except to the seller and the receiver, shall be valid except in the county where issued unless the permit, or a rider securely attached thereto, carries the endorsement of the commissioner of the county (1) to which the fruits, nuts, or vegetables are to be transported or delivered and (2) from which such products are to be transported or delivered. No permit shall be issued authorizing, nor does any permit authorize, any person to sell, buy, receive, transport, deliver, or cause to be transported fruits, nuts or vegetables which are in conflict with orders or regulations issued

by the Director of Agriculture under the California Marketing Act of 1937 (Chapter 10, commencing with Section 1300.10, of Division 6), or a marketing program issued under the terms of the Agricultural Producers Marketing Law (Chapter 11, commencing with Section 2000, of Division 6).

A permittee shall, upon request of any commissioner, furnish such affidavits, receipts and other evidence as such commissioner reasonably may require as proof that the commodities have been disposed of in accordance with the provisions of this chapter and the terms of the permit.

CHAPTER 105

An act to amend Section 755 of the Elections Code, relating to new resident voting.

[Approved by Governor April 19, 1963 Filed with Secretary of State April 19, 1963]

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

SECTION 1. Section 755 of the Elections Code is amended to read:

755. The county clerk shall cause to be printed and shall keep available in his office during the days for the registration of new residents a supply of blank certification forms for the use of new residents in verifying their qualifications under this chapter. Any new resident desiring to vote in this State may obtain from the county clerk of the county in which he resides such a form to transmit to the county clerk or equivalent official of his former residence. The certification form shall read substantially as follows:

Certification of Qualifications of New Resident

I, _____, (county clerk or equivalent official) of _____, State of _____, do hereby certify that _____ (name of new resident) was a qualified elector at the time of his (or her) removal from this State (or) would have been qualified to vote in the next presidential election had he (or she) maintained residency in this State. _____ (name of new resident) has not as of the date of this certification applied for an absent voter's ballot from this State.

Certified to by: _____
(Signature and title of office)

(SEAL)

CHAPTER 106

An act to amend Sections 10219 and 10301 of the Elections Code, relating to ballot designation.

[Approved by Governor April 19, 1963. Filed with Secretary of State April 19, 1963.]

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

SECTION 1. Section 10219 of the Elections Code is amended to read:

10219. Except in cases provided for by Section 26 of Article VI of the Constitution, immediately under the name of each candidate and not separated from the name by any line, may appear, at the option of the candidate, one of the following designations:

(a) Words designating the city, county, district, federal, or state office which the candidate then holds at the time of filing his nomination papers.

In addition to the foregoing, Members of the Senate of the State of California may use either of the following designations: "State Senator, _____ District, California Legislature," or "Member of California Senate, _____ District," or any other appropriate designation, the blanks to be filled with the appropriate district number.

Members of the Assembly may use either of the following designations: "Assemblyman, _____ District, California Legislature" or "Member of the Assembly, _____ District, California Legislature," or any other appropriate designation, the blanks to be filled with the appropriate district number.

(b) If the candidate is a candidate for the same office which he then holds, and only in that event, the word "incumbent."

(c) Words designating the profession, vocation or occupation of the candidate, which shall not exceed three in number. The profession, vocation or occupation designated shall be the same as appears in the affidavit of registration of the candidate. If upon checking the nomination paper, the officer in charge of the election finds the wording to be different than that upon the registration affidavit, he shall notify the candidate by registered mail, return receipt requested. The candidate, shall within three days from the date of receipt of the notice appear before the officer and reregister to conform with the request for the designation that appears on his nomination paper. If the candidate does not appear within three days, the officer shall leave the designation under his name blank (no designation). No candidate shall assume a designation which would mislead the voters.

In all cases words so used shall be printed in eight-point roman boldface capitals and lowercase type.

SEC. 2. Section 10301 of the Elections Code is amended to read:

10301. Immediately under the name of each candidate and not separated from the name by any line may appear, at the option of the candidate, one of the following designations:

(a) Words designating the city, county, district, federal, or state office which the candidate then holds at the time of filing his nomination papers.

In addition to the foregoing, Members of the Senate of the State of California may use either of the following designations: "State Senator, _____ District, California Legislature" or "Member of California Senate, _____ District," or any other appropriate designation, the blanks to be filled with the appropriate district number.

Members of the Assembly may use either of the following designations: "Assemblyman, _____ District, California Legislature" or "Member of the Assembly, _____ District, California Legislature," or any other appropriate designation, the blanks to be filled with the appropriate district number.

(b) If the candidate is a candidate for the same office which he then holds, and only in that event, the word "incumbent."

(c) Words designating the profession, vocation or occupation of the candidate which shall not exceed three in number. The profession, vocation or occupation so designated shall be the same as appears in the affidavit of registration of the candidate. If upon checking the nomination paper the officer in charge of the election finds the wording to be different than that upon the registration affidavit of the candidate, he shall notify the candidate by registered mail, return receipt requested. The candidate shall within three days from the date of receipt of the notice appear before the officer and reregister to conform with the request for the designation that appears on his nomination paper. If the candidate does not appear within three days the officer shall leave the designation under his name blank (no designation).

No candidate shall assume a designation which would mislead the voters. The designation shall remain the same for all purposes of both primary and general elections unless the candidate, at least 45 days prior to the general election, requests in writing a different designation which he then has the option to use under Section 10219.

Any candidate at the direct primary election who is elected at a special election held to fill a vacancy in the office for which he is a candidate or in any other office, and who receives his certificate of election and takes his oath of office, may use any appropriate designation as set forth in Section 10219 on the general election ballot, regardless of the designation he may have used on the direct primary election ballot.

In all cases words so used shall be printed in eight-point roman boldface capitals and lowercase type.

CHAPTER 107

An act to amend Sections 6490, 6499, 6511, 6512, 6580, 6620, 6652, 6653, 6657, 6658, and 6659 of the Elections Code, relating to the conduct of elections.

[Approved by Governor April 19, 1963. Filed with Secretary of State April 19, 1963.]

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

SECTION 1. Section 6490 of the Elections Code is amended to read:

6490. No candidate's name shall be printed on the ballot to be used at a direct primary unless a declaration of his candidacy is filed not less than 69 and not more than 99 days prior to the direct primary.

The declaration may be made by the candidate or by sponsors on his behalf.

When the declaration is made by sponsors the candidate's affidavit of acceptance shall be filed with the declaration.

SEC. 2. Section 6499 of the Elections Code is amended to read:

6499. All sponsor certificates shall be delivered to the county clerk at least 74 days prior to the direct primary election. The county clerk shall not accept sponsor certificates after 5 o'clock p.m. on the 74th day unless that day is a Saturday, in which case the sponsor certificates shall not be accepted after 12 o'clock noon. In counties where the office of the county clerk is legally closed on Saturday, the final day for filing shall be the preceding day at 5 o'clock p.m.

SEC. 3. Section 6511 of the Elections Code is amended to read:

6511. The declaration of candidacy by the candidate personally and the declaration of acceptance of nomination shall be subscribed and sworn to before an officer authorized to administer oaths, and, at least 74 days before the direct primary election, shall be delivered to the county clerk of the county in which the candidate resides.

The county clerk shall not accept a declaration of candidacy or declaration of acceptance of nomination after 5 o'clock p.m. on the 74th day unless that day is a Saturday, in which case no declaration of candidacy or declaration of acceptance of nomination shall be accepted after 12 o'clock noon. In counties where the office of the county clerk is legally closed on Saturday, the final day for filing shall be the preceding day at 5 o'clock p.m.

SEC. 4. Section 6512 of the Elections Code is amended to read:

6512. If only one candidate has declared or accepted a candidacy for a partisan nomination at the direct primary election for all parties qualified to participate at that election, and that candidate dies after the last day prescribed for the

delivery of nomination papers to the county clerk, as provided in Section 6511, and not less than 69 days before the election, any person qualified under the provisions of Section 6401 may circulate and deliver nomination papers for the office to the county clerk up to 5 o'clock p.m. on the 60th day prior to the election. In such case, the county clerk shall, immediately after receipt of such nomination papers, certify and transmit them to the Secretary of State in the manner specified in this article.

SEC. 5. Section 6580 of the Elections Code is amended to read:

6580. At least 54 days before the direct primary, the Secretary of State shall transmit to each county clerk a certified list of candidates who are eligible to be voted for in his county at the direct primary.

SEC. 6. Section 6620 of the Elections Code is amended to read:

6620. Not less than 48 days before the general election, the Secretary of State shall deliver to the county clerk of each county a certificate showing:

(a) The name of every person entitled to receive votes within that county at the general election who has received the nomination as a candidate for public office pursuant to the provisions of this chapter.

(b) For each nominee the name of the party which has nominated him, if any.

(c) The designation of the public office for which he has been nominated.

SEC. 7. Section 6652 of the Elections Code is amended to read:

6652. When, as a result of any primary election, a person has received a nomination to any office without first having filed a declaration certificate, and having his name printed on the primary election ballot, he may at least 60 days before the day of election cause his name to be withdrawn from nomination by filing in the office where he would have filed his declaration certificate had he been a candidate for nomination, his request to withdraw, in writing, signed and acknowledged by him. When this section has been complied with, the name of the candidate shall not be printed on the election ballot for the ensuing general election as a candidate for that office.

SEC. 8. Section 6653 of the Elections Code is amended to read:

6653. No vacancy on the ballot for a general election shall be filled except by reason of the death of a candidate occurring at least 45 days before the date of the next ensuing general election.

SEC. 9. Section 6657 of the Elections Code is amended to read:

6657. A vacancy authorized to be filled because of the death of a candidate shall be filled, and the name of the person named to fill the vacancy shall be certified to the officer

charged with the duty of printing the ballots, 45 days before the day of election.

SEC. 10. Section 6658 of the Elections Code is amended to read:

6658. Whenever anyone has declared or accepted a candidacy for a primary election, his name shall be printed upon the ballot for the primary election, unless he has died and that fact has been ascertained by the officer charged with the duty of printing the ballot, at least 45 days before the day of election.

SEC. 11. Section 6659 of the Elections Code is amended to read:

6659. Whenever a candidate has been nominated at any primary election after having a declaration certificate filed, the name of the candidate shall be printed upon the ballot for the ensuing general election unless the candidate has died and that fact has been ascertained by the officer charged with the duty of printing the ballots, at least 45 days before the day of election.

CHAPTER 108

An act to amend Sections 310 and 321 of the Elections Code, relating to affidavits of registration.

[Approved by Governor April 19, 1963. Filed with Secretary of State April 19, 1963.]

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

SECTION 1. Section 310 of the Elections Code is amended to read:

310. The affidavit of registration shall show:

(a) The facts necessary to establish the affiant as an elector.

(b) Affiant's name at length, including his given name, and a middle name or initial, or if the initial of his given name is customarily used, then the initial and middle name. The given name of a woman shall be preceded in all cases by the designation of Miss or Mrs.

(c) Affiant's place of residence and post office address with sufficient particularity to identify it and to determine affiant's voting precinct.

(d) Affiant's occupation.

(e) The country or state of affiant's birth.

(f) If foreign born, how citizenship was acquired, whether by:

(1) Citizenship of father or mother.

(2) Treaty or act of Congress.

(3) Order of a court of naturalization.

(4) Marriage to a citizen.

(5) Naturalization of a parent or husband.

The date or year when and the place where the affiant became a citizen shall be stated except in the case of citizenship acquired by citizenship or naturalization of parents, by treaty, or by act of Congress. When citizenship depends upon the citizenship or naturalization of a parent or husband, the name of the parent or husband shall be stated.

(g) Whether the elector is able to read the Constitution in the English language and to write his name, and whether the elector has any physical disability by reason of which he cannot mark the ballot, in which case the nature of such disability shall be stated.

(h) That the affiant is not disqualified to vote by reason of a felony conviction.

The affiant shall sign the affidavit with his name at length, including given name, middle name or initial, or initial and middle name, and if he is unable to write he shall sign with a mark or cross, and the person before whom the affidavit is made shall insert the date of the affidavit, which shall be the date of the jurat.

SEC. 2. Section 321 of said code is amended to read:

321. Subject to the provisions of this chapter, the body of the affidavit of registration shall be substantially in the following form:

For transfer or change of name	I am registered under the name of _____ in _____ Assembly District, _____ precinct in said county and request that said registration be canceled.

AFFIDAVIT OF REGISTRATION

State of California, }
County of (_____) } ss.

The undersigned affiant, being duly sworn, says: I will be at least 21 years of age at the time of the next succeeding election, a citizen of the United States 90 days prior thereto, and a resident of the State one year, of the county 90 days, and of the precinct 54 days next preceding such election, and will be an elector of this county at the next succeeding election.

1. I am not now registered as a voter in this State. (If now registered in this county under this or another name, mark out word "not" and fill out transfer clause at top. If now registered in another county, mark out word "not" and execute a separate affidavit of cancellation before registering.)

2. My full name is _____
(including Christian or given name, and middle name or initial and in case of women, the prefix Miss or Mrs).

3. My residence is _____
between _____ and _____ Streets,_____
floor, Room _____.

4. My occupation is_____.

5. My height is _____ feet _____ inches.

6. I was born in _____.
(State or country)

7. I acquired citizenship by (underline method of acquiring citizenship):

a. Decree of court.
b. {Father's naturalization. / Mother's naturalization.
c. Citizenship of father or mother.
d. Marriage to a citizen.
e. Naturalization of my husband.
f. Act of Congress.
g. Treaty.

When {month / day / year} _____ Where {city / state} _____

My {father's / husband's / mother's} name is (was) _____

(To be filled out when citizenship depends on citizenship or naturalization of parent or husband.)

8. I can _____ read the Constitution in the English language; I can _____ write my name; I am entitled to vote by reason of having been on October 10, 1911 (a) An elector. (b) More than 60 years of age.

I can _____ mark my ballot by reason of _____ (State physical disability, if any.)

9. I intend to affiliate at the ensuing primary election with the _____ party. (If affiliation is not given, write or stamp "Declines to state.")

10. I am not disqualified to vote by reason of a felony conviction.

_____
(Affiant sign here.)

Residence _____

Subscribed and sworn to before me this _____ day of _____, 19___.

_____
County Clerk.

By_____
Deputy County Clerk.

Assembly District _____
Post office address is _____ Precinct _____
Rural Route No. _____ Box No. _____

CHAPTER 109

An act to repeal the California Water Storage and Conservation District Act (Chapter 1253, Statutes of 1941), relating to water storage and conservation districts.

[Approved by Governor April 19, 1963. Filed with Secretary of State April 19, 1963.]

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

SECTION 1. The California Water Storage and Conservation District Act (Chapter 1253, Statutes of 1941), is hereby repealed.

The repeal, effectuated by this act, shall not affect the organization, existence, or powers of any district heretofore created by, or organized pursuant to, the California Water Storage and Conservation District Act. Any such district shall continue to exist and may exercise any of the powers conferred upon it by said act as fully as if said act had not been repealed.

CHAPTER 110

An act to repeal Section 2025.01 of, and to add Section 443.1 to, the Welfare and Institutions Code, relating to inconsequential resources of welfare recipients.

[Approved by Governor April 19, 1963. Filed with Secretary of State April 19, 1963.]

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

SECTION 1. Section 2025.01 of the Welfare and Institutions Code is repealed.

SEC. 2. Section 443.1 is added to said code, to read:

443.1. Interest on money on deposit in a savings account in a bank, savings and loan association, or other institution authorized by law to accept savings deposits by members of the public, which is received by a recipient, shall be considered an inconsequential resource of the recipient.

CHAPTER 111

An act to amend Section 18535 of, and to add Section 20089 to, the Elections Code, relating to recount of ballots.

[Approved by Governor April 19, 1963. Filed with Secretary of State April 19, 1963.]

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

SECTION 1. Section 18535 of the Elections Code is amended to read:

18535. In lieu of the returns of the precinct board, upon the completion of the recount showing that a different candidate was nominated or elected, there shall be entered the result of the recount in each precinct affected, which result shall, for all purposes thereafter, be the official returns of that precinct for the office involved in the recount to the same effect as if the result as shown by the recount had been shown in the returns of the precinct board. The results of any recount begun pursuant to a declaration filed as provided in Section 18532, which is not completed by counting the votes in each and every precinct specified in the declaration, shall be declared null and void.

SEC. 2. Section 20089 is added to said code, to read:

20089. The provisions of this chapter, exclusive of Article 4 (commencing with Section 20110), shall also apply to the recount of votes cast on a ballot measure, insofar as they can be made applicable.

CHAPTER 112

An act to add Sections 15413, 15414 and 15415 to the Elections Code, relating to vote-tabulating devices.

[Approved by Governor April 19, 1963. Filed with Secretary of State April 19, 1963.]

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

SECTION 1. Section 15413 is added to the Elections Code, to read:

15413. The provisions of all state laws relating to elections and of any city charter or ordinance not inconsistent with this chapter apply to all elections in districts or precincts where electronic or electromechanical tabulating devices are used.

SEC. 2. Section 15414 is added to said code, to read:

15414. Any provision of law or of any city charter or ordinance which conflicts with this chapter shall not apply to the districts or precincts in which electronic or electromechanical tabulating devices are used. All acts, parts of acts, city charters, or ordinances, in conflict with any of the provisions of this chapter, are of no force or effect in election districts or precincts where electronic or electromechanical tabulating devices are used.

SEC. 3. Section 15415 is added to said code, to read:

15415. This chapter shall be liberally construed so that the real will of the electors will not be defeated by any informality or failure to comply with all of the provisions of the law.

CHAPTER 113

An act to amend Section 15400 of the Elections Code, relating to vote tabulating devices.

[Approved by Governor April 19, 1963. Filed with Secretary of State April 19, 1963.]

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

SECTION 1. Section 15400 of the Elections Code is amended to read:

15400. The election board may adopt for use at elections any kind of vote tabulating devices approved by the commission or the use of which has been specifically authorized by law. The vote tabulating devices may be used at any or all elections in any or all precincts within any state, county, city or political subdivision as determined by the election board.

CHAPTER 114

An act to add Section 4.6 to the Water Conservation Act of 1927 (Chapter 91 of Statutes 1927), relating to the use of the last equalized assessment roll.

[Approved by Governor April 19, 1963. Filed with Secretary of State April 19, 1963.]

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

SECTION 1. Section 4.6 is added to the Water Conservation Act of 1927, to read:

Sec. 4.6. As used in this act, the terms "equalized county assessment roll next preceding" and "next preceding assessment roll" shall be deemed to refer to the last equalized assessment roll of the county.

CHAPTER 115

An act to amend Section 35003 of the Water Code, relating to water district elections.

[Approved by Governor April 19, 1963. Filed with Secretary of State April 19, 1963.]

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

SECTION 1. Section 35003 of the Water Code is amended to read:

35003. Each voter shall have one vote for each dollar's worth of land to which he holds title. The last equalized assess-

ment book of the district is conclusive evidence of ownership and of the value of the land so owned except that in the event that an assessment for a district shall not have been made and levied for the year in which the election is held, the last equalized assessment roll of each affected county shall be used in lieu of the assessment book of the district.

CHAPTER 116

An act to add Section 15416 to the Elections Code, relating to vote-tabulating equipment.

[Approved by Governor April 19, 1963. Filed with Secretary of State April 19, 1963.]

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

SECTION 1. Section 15416 is added to the Elections Code, to read:

15416. The election board may provide for the payment of the cost of vote-tabulating equipment in such manner and by such method as it may deem for the best local interests, and also may for that purpose issue bonds, certificates of indebtedness, or other obligations which shall be a charge on the county or city. The bonds, certificates, or other obligations may be issued with or without interest, payable at such time as the authorities may determine, but shall not be issued or sold at less than par. The election board may enter into lease agreements or lease purchase agreements for the use of vote-tabulating equipment.

CHAPTER 117

An act to amend Section 220 of the Military and Veterans Code, relating to manner of commissioning officers of the California National Guard.

[Approved by Governor April 19, 1963. Filed with Secretary of State April 19, 1963.]

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

SECTION 1. Section 220 of the Military and Veterans Code is amended to read:

220. All officers shall be commissioned by the Governor. All appointments of officers shall be made and all vacancies shall be filled in the manner provided by the laws and regulations of the United States Army and United States Air Force.

CHAPTER 118

An act to amend Section 222 of the Military and Veterans Code, relating to the qualifications of commissioned officers of the California National Guard.

[Approved by Governor April 19, 1963. Filed with Secretary of State April 19, 1963.]

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

SECTION 1. Section 222 of the Military and Veterans Code is amended to read:

222. Persons to be commissioned in the National Guard shall be selected from those eligible for federal recognition in accordance with Army and Air National Guard Regulations promulgated from time to time by the Department of the Army or the Department of the Air Force of the United States and from former commissioned officers of the United States Army, United States Air Force, United States Navy, or any reserve component thereof, who were honorably separated therefrom but are no longer eligible for federal recognition.

CHAPTER 119

An act to amend Section 225 of the Military and Veterans Code, relating to appointment of warrant officers of the California National Guard.

[Approved by Governor April 19, 1963. Filed with Secretary of State April 19, 1963.]

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

SECTION 1. Section 225 of the Military and Veterans Code is amended to read:

225. Warrant officers of the National Guard shall be appointed by the Governor. The classes of persons from which warrant officers may be appointed shall be the same as are provided in the rules and regulations adopted by the United States for the control, administration and government of the National Guard so far as the same are not inconsistent with this code and from former commissioned or warrant officers of the United States Army, United States Air Force, United States Navy, or any reserve component thereof, who were honorably separated therefrom but are no longer eligible for federal recognition. Warrant officers shall be separated from the service, discharged and dismissed and shall have the same privileges respecting retirement as commissioned officers, and shall have all other powers, privileges and duties authorized by the laws and regulations of the United States and customs of the service.

CHAPTER 120

An act to amend Section 226 of the Military and Veterans Code, relating to arms and equipment for officers of the California National Guard.

[Approved by Governor April 19, 1963. Filed with Secretary of State April 19, 1963]

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

SECTION 1. Section 226 of the Military and Veterans Code is amended to read:

226. Every officer shall provide himself with the arms, uniforms, and equipment prescribed and approved by the Governor.

CHAPTER 121

An act to amend Section 232 of the Military and Veterans Code, relating to officers of the National Guard.

[Approved by Governor April 19, 1963. Filed with Secretary of State April 19, 1963.]

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

SECTION 1. Section 232 of the Military and Veterans Code is amended to read:

232. The commission of an officer shall be vacated by death, by acceptance by proper authority of resignation, by discharge on account of inefficiency, for physical disqualifications, when dropped from the rolls for an absence without leave for three months, by permanent change of residence to a place outside this State, by discharge to accept a commission in the United States Army, United States Air Force, United States Navy, or a reserve component thereof, when transferred to the United States Army Reserve upon the expiration of six months as a member of the Inactive National Guard, upon a finding by the Adjutant General that the officer is a security risk as a result of subversive activity, personal traits of character, or by dismissal pursuant to sentence of a general court-martial.

CHAPTER 122

An act to amend Section 250 of the Military and Veterans Code, relating to enlistment in the California National Guard.

[Approved by Governor April 19, 1963. Filed with Secretary of State April 19, 1963.]

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

SECTION 1. Section 250 of the Military and Veterans Code is amended to read:

250. The qualifications for enlistment and re-enlistment in the National Guard and the term and the form of oath shall at all times conform to the requirements of the laws of the United States and of this State and the regulations from time to time promulgated by the Department of the Army or the Department of the Air Force of the United States for the government and guidance of the National Guard except for former enlisted members of the United States Army, United States Air Force, United States Navy, or any reserve component thereof, who were honorably separated therefrom but are no longer qualified for enlistment under the laws of the United States.

CHAPTER 123

An act to amend Section 161 of the Military and Veterans Code, relating to qualifications and appointment of the Assistant Adjutant General.

[Approved by Governor April 19, 1963. Filed with Secretary of State April 19, 1963.]

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

SECTION 1. Section 161 of the Military and Veterans Code is amended to read:

161. The office of the Adjutant General consists of one officer of the rank of major general who is the Adjutant General, one officer of the rank of brigadier general who is the Assistant Adjutant General, one officer who may be of the rank of brigadier general who is the Deputy Adjutant General, Army Division, one officer who may be of the rank of brigadier general who is the Deputy Adjutant General, Air Division, and such other officers as are prescribed by the laws or regulations of the United States. No person is eligible for appointment as the Assistant Adjutant General unless he had not less than a total of five (5) years of commissioned service in the National Guard of the United States, of which at least three (3) years shall be service as a field grade officer in the California National Guard within the preceding 10-year period

prior to the date of appointment and of which at least three (3) years shall have been in command of army or air troops at the battalion or equivalent or higher command level or three (3) years as a staff officer at brigade or equivalent or higher staff level. The Assistant Adjutant General is subordinate only to the Governor and the Adjutant General.

CHAPTER 124

An act to amend Section 162 of the Military and Veterans Code, relating to qualifications and appointment of the Adjutant General.

[Approved by Governor April 19, 1963. Filed with Secretary of State April 19, 1963.]

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

SECTION 1. Section 162 of the Military and Veterans Code is amended to read:

162. The Adjutant General shall be appointed by the Governor with the advice and consent of the Senate, and shall hold office at the pleasure of the Governor, or until his successor is appointed and has qualified. No person is eligible for appointment as Adjutant General unless he had not less than a total of ten (10) years of commissioned service in the National Guard of the United States, of which at least four (4) years shall be service as a field grade officer in the California National Guard within the preceding 10-year period prior to the date of appointment and of which at least four (4) years shall have been in command of army or air troops at the battalion or equivalent or higher command level or four (4) years as a staff officer at brigade or equivalent or higher staff level.

CHAPTER 125

An act to amend Section 3078 of the Labor Code, relating to apprenticeship.

[Approved by Governor April 19, 1963 Filed with Secretary of State April 19, 1963]

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

SECTION 1. Section 3078 of the Labor Code is amended to read:

3078. Every apprentice agreement entered into under this chapter shall contain:

(a) The names of the contracting parties.

(b) The date of birth of the apprentice.

(c) A statement of the trade, craft, or business which the apprentice is to be taught, and the time at which the apprenticeship will begin and end.

(d) A statement showing the number of hours to be spent by the apprentice in work and the number of hours to be spent in related and supplemental instruction, which instruction shall be not less than 144 hours per year, except as otherwise provided by those responsible under Section 3074 for related and supplemental instruction. Such exceptions shall be subject to the appeal procedures established in Sections 3081, 3082, 3083 and 3084. In no case shall the combined weekly hours of work and required related and supplemental instruction of the apprentice exceed the maximum number of hours of work prescribed by law for a person of the age and sex of the apprentice.

(e) A statement setting forth a schedule of the processes in the trade or industry divisions in which the apprentice is to be taught and the approximate time to be spent at each process.

(f) A statement of the graduated scale of wages to be paid the apprentice and whether the required schooltime shall be compensated.

(g) A statement providing for a period of probation of not more than 500 hours of employment and instruction extending over not more than four months, during which time the apprentice agreement may be terminated by the local joint apprenticeship committee at the request in writing of either party, and providing that after such probationary period the apprentice agreement may be terminated by the administrator by mutual agreement of all parties thereto, or canceled by the administrator for good and sufficient reason.

(h) A provision that all controversies or differences concerning the apprentice agreement which cannot be adjusted locally, or which are not covered by collective bargaining agreement, shall be submitted to the administrator for determination as provided for in Section 3081.

(i) A provision that an employer who is unable to fulfill his obligation under the apprentice agreement may with approval of the administrator transfer such contract to any other employer, if the apprentice consents and such other employer agrees to assume the obligation of said apprentice agreement.

(j) Such additional terms and conditions as may be prescribed or approved by the State Apprenticeship Council, not inconsistent with the provisions of this chapter.

(k) A clause providing that there shall be no liability on the part of the other contracting party for an injury sustained by an apprentice engaged in schoolwork at a time when the employment of the apprentice has been temporarily or permanently terminated.

CHAPTER 126

An act to add Section 1741 to the Labor Code, relating to the modification of public works contracts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 19, 1963 Filed with Secretary of State April 19, 1963]

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

SECTION 1. Section 1741 is added to the Labor Code, to read:

1741. Notwithstanding any other provision of this chapter or any other law of this State, except limitations imposed by the Constitution, the city council of any general law city which has awarded a contract for the construction of any public works may provide, in the formal contract executed pursuant to said award, for an increase in the amount payable to the contractor in a sum not to exceed the difference between the general prevailing rate of per diem wages as set forth in the notice inviting bids and the rates applicable at the time when the formal contract was executed.

This section shall apply only to those public works contracts where a delay in the execution and performance thereof, has resulted from litigation initiated by persons other than the contracting parties attacking the authority of the general law city to enter into a contract for such public works, between the time of awarding the contract and execution thereof.

SEC. 2. Section 1 of this act shall remain in effect until December 31, 1963, and shall have no force or effect on and after that date.

SEC. 3. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

One or more general law cities within the State have heretofore awarded contracts for sanitary sewer construction and thereafter, execution and performance of such contracts, have been delayed by reason of litigation, instituted by persons other than the contracting parties, which litigation has, necessarily, caused considerable delay. It is necessary not to delay the construction of these sanitary sewers to preserve public health and safety. Also, during such periods of delay, increases in the general prevailing rate of per diem wages required to be paid to persons to be employed on such public works projects have taken place. Such increases were not contemplated by the cities or by the bidders, at the time of the publication of notice inviting bids. It is imperative that these cities and contractors be given the means to negotiate an increase in the amount or amounts to be paid to the contractor or contractors in sums equal to such increases. The only alternative would be

for the cities to revoke the action taken awarding the contracts, and readvertise for bids. This would result in substantially increased costs to the cities, and contractors, and give rise to situations necessitating litigation.

CHAPTER 127

An act to amend Section 1431 and to repeal Section 1510 of, and to add Section 1510 to, the Probate Code, and to amend Section 372 of the Code of Civil Procedure, relating to settlement and compromise of claims of minors and incompetents.

[Approved by Governor April 22, 1963. Filed with Secretary of State April 22, 1963.]

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

SECTION 1. Section 1431 of the Probate Code is amended to read:

1431. When a minor has a disputed claim for damages, money or other property against a third person, his father, or if his father is dead or the parents of said minor are living separate or apart and his mother then has care or custody of said minor then his mother, or the guardian of the estate, if any, of the minor, shall have the right to compromise, or execute a covenant not to sue on, such claim, but before the compromise or covenant is valid it must be approved by the superior court of the county where the minor resides, upon the filing of a verified petition in writing. The clerk of the court shall not charge any fee for filing the petition. The parent having the right to compromise or execute a covenant not to sue, or the guardian of the estate, if any, may execute a full release and satisfaction or execute a covenant not to sue on the disputed claim after the money and other property to be paid or delivered has been paid or delivered as hereinafter prescribed; provided, however, that if the court shall order that all or any part of the money, to be paid under the compromise or covenant, be deposited in a bank or trust company or invested in an account in an insured savings and loan association, such release and satisfaction or covenant shall not be effective for any purpose until such money has been deposited as directed in the order of the court. Any money or other property to be paid or delivered for the benefit of the minor pursuant to said compromise or covenant shall be paid and delivered in the manner and upon the terms and conditions specified in Section 1510 of the Probate Code.

SEC. 2. Section 1510 of the Probate Code is repealed.

SEC. 3. Section 1510 is added to the Probate Code, to read:

1510. If the court approves a compromise of, or the execution of a covenant not to sue on, a minor's disputed claim for

damages, money or other property, or approves a compromise of a pending action or proceeding to which a minor, or insane or incompetent person is a party, or gives judgment for such a person, and the money or the value of other property to be paid or delivered under such compromise, covenant, order or judgment does not exceed ten thousand dollars ($10,000), and there is no guardian of the estate of the minor, or insane or incompetent person, such court, in its discretion, may require that the remaining balance of any money paid or to be paid under such compromise, covenant, order or judgment, after payment of all expenses, costs and fees as approved and allowed by the court, be deposited in a bank or banks, or a trust company or companies, or be invested in an account or accounts in an insured savings and loan association or associations, subject to withdrawal only upon the order of the court, or it may require a guardian of the estate to be appointed and the money or the other property to be paid or delivered to such guardian, or prescribe such other conditions as the court in its discretion deems to the best interests of the minor, or insane or incompetent person: provided, however, that if the money or the value of other property to be paid or delivered under said compromise, covenant, order or judgment does not exceed one thousand dollars ($1,000), and said money or property is to be paid or delivered for the benefit of a minor, the court may direct that all or any part of the money or the property be paid or delivered to a parent of the minor, without bond, upon the terms and under the conditions specified in Section 1430 of the Probate Code If the money or the value of other property to be paid or delivered under such compromise, covenant, order or judgment exceeds ten thousand dollars ($10,000), and there is no guardian of the estate of the minor, or insane or incompetent person, such court must require a guardian of the estate to be appointed and must direct that the money or the other property be paid or delivered to the guardian, or in lieu of the appointment of a guardian of the estate, must require that the remaining balance of any money paid or to be paid under such compromise, covenant, order or judgment, after payment of all expenses, costs and fees as approved and allowed by the court, be deposited in a bank or banks, or a trust company or companies, or be invested in an account or accounts in an insured savings and loan association or associations, subject to withdrawal only upon order of the court, and as to other property to be paid or delivered, the court shall prescribe such conditions as it may deem to the best interests of the minor, or insane or incompetent person.

Upon approval of a compromise of, or the execution of a covenant not to sue on, a minor's disputed claim, or approval of a compromise of a pending action or proceeding to which a minor, or insane or incompetent person is a party, or giving judgment for such a person, providing for the payment or delivery of money or other property, the court making the order or giving judgment, and as a part thereof, shall make

a further order authorizing and directing a parent of the minor or guardian of the minor, or insane or incompetent person, or the payer of any money to be paid for the benefit of such person, to pay, from the money or other property to be paid or delivered, such reasonable expenses (medical or otherwise and including reimbursement to a parent or guardian), costs and attorney's fees as the court shall approve and allow therein. The remaining balance of such money or other property shall be paid, delivered or deposited as hereinabove provided.

The term "account in an insured savings and loan association" used in this section means shares issued by a federal savings and loan association, or investment certificates issued by a state-chartered building and loan association or savings and loan association doing business in this State which is an "insured institution" as defined in Title IV of the National Housing Act, or shares issued by a state-chartered building and loan association or savings and loan associations doing business in this State which does not issue investment certificates and which is an "insured institution" as defined in Title IV of the National Housing Act.

Where reference is made in this section to "guardian of the estate" such reference shall be deemed to include "conservator of the estate," and reference to "incompetent person" shall be deemed to include "a person for whom a conservator may be appointed."

SEC. 4. Section 372 of the Code of Civil Procedure is amended to read:

372. When a minor, or an insane or incompetent person is a party, he must appear either by a guardian of the estate or by a guardian ad litem appointed by the court in which the action is pending, or by a judge thereof, in each case. A guardian ad litem may be appointed in any case, when it is deemed by the court in which the action or proceeding is prosecuted, or by a judge thereof, expedient to represent the minor, or insane, or incompetent person in the action or proceeding, notwithstanding he may have a guardian of the estate and may have appeared by him. The guardian of the estate or guardian ad litem so appearing for any minor, or insane or incompetent person in any action or proceeding shall have power, with the approval of the court in which such action or proceeding is pending, to compromise the same, to agree to the order or judgment to be entered therein for or against his ward, and to satisfy any judgment or order in favor of said ward or release or discharge any claim of said ward pursuant to such compromise. Any money or other property to be paid or delivered for the benefit of a minor or insane or incompetent person pursuant to said order or judgment shall be paid and delivered in the manner and upon the terms and conditions specified in Section 1510 of the Probate Code.

Where reference is made in this section to "guardian of the estate" such reference shall be deemed to include "conservator of the estate" and reference to "incompetent person" shall be deemed to include "a person for whom a conservator may be appointed."

CHAPTER 128

An act to amend Section 5201 of the Vehicle Code, relating to license plates.

[Approved by Governor April 22, 1963. Filed with Secretary of State April 22, 1963.]

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

SECTION 1. Section 5201 of the Vehicle Code is amended to read:

5201. License plates shall at all times be securely fastened to the vehicle for which they are issued so as to prevent the plates from swinging and shall be mounted not less than 12 inches nor more than 60 inches from the ground in a position to be clearly visible, and shall be maintained in a condition so as to be clearly legible. No covering shall be used on license plates.

CHAPTER 129

An act to amend Section 5513 of the Fish and Game Code, relating to the use of gaffs.

[Approved by Governor April 22, 1963. Filed with Secretary of State April 22, 1963.]

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

SECTION 1. Section 5513 of the Fish and Game Code is amended to read:

5513. A gaff not exceeding three (3) feet in overall length may be used as an accessory while angling from a boat in the Sacramento River, exclusive of tributaries, in any district or part of a district in Tehama County.

CHAPTER 130

An act to add Chapter 3.5 (commencing with Section 55920) to Part 5, Division 16 of the Water Code, relating to county waterworks districts.

[Approved by Governor April 22, 1963. Filed with Secretary of State April 22, 1963]

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

SECTION 1. Chapter 3.5 (commencing with Section 55920) is added to Part 5, Division 16 of the Water Code, to read:

CHAPTER 3.5. EXCLUSION OF TERRITORY

55920. Territory may be excluded from a district formed under this division in the manner provided in Chapter 1 (commencing with Section 26700) of Part 11 of Division 11 of the Water Code for the exclusion of territory from an irrigation district.

CHAPTER 131

An act to amend Section 715 of the Harbors and Navigation Code, relating to vessels.

[Approved by Governor April 22, 1963. Filed with Secretary of State April 22, 1963.]

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

SECTION 1. Section 715 of the Harbors and Navigation Code is amended to read:

715. Upon the death of an owner or legal owner of any vessel numbered under this code without the decedent leaving other property necessitating probate, the surviving husband or wife or other heir in the order named in Section 630 of the Probate Code, unless the vessel is by will otherwise bequeathed, and if the value of the vessel is two thousand dollars ($2,000) or less, may secure a transfer of ownership of the title or interest of the deceased upon presenting to the Division of Small Craft Harbors the appropriate certificate of ownership and certificate of number, if available, and a certified statement of the person setting forth the fact of survivorship or heirship, and the names and addresses of any other heirs, and, if required by the Division of Small Craft Harbors, a certificate of the death of the deceased, together with a statement that there are no creditors of the deceased or, if so, that the creditors of the deceased have been paid in full or the claims have been otherwise discharged.

CHAPTER 132

An act authorizing a grant to the Browns Valley Irrigation District for recreation in connection with the Virginia Ranch Dam Project, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 22, 1963. Filed with Secretary of State April 23, 1963.]

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

SECTION 1. In addition to a grant which the Department of Water Resources may make without specific legislative authorization pursuant to Water Code Section 12885, the Department of Water Resources is hereby further authorized to make a grant to the Browns Valley Irrigation District, pursuant to the Davis-Grunsky Act [Chapter 5 (commencing with Section 12880), Part 6, Division 6, Water Code], of such additional amount, not exceeding four hundred thousand dollars ($400,000), as may be determined by the department upon approval of an application therefor pursuant to said act for recreational functions incidental to the construction of the Virginia Ranch Dam Project on French Dry Creek in Yuba County.

No further legislative approval shall be required with respect to the grant authorized to be made to the district by this act; but such grant shall not be made to the district until the district can actually demonstrate the nature and extent of the statewide interest in the project, the public necessity for the project, the urgency of the need, and the engineering feasibility, economic justification, and the financial feasibility of the project.

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

The Browns Valley Irrigation District is presently in the process of constructing the Virginia Ranch Dam Project and a grant of funds representing the recreation benefits of the project are required for its completion. Legislative approval of the grant proposed by this act is necessary. In order that this much-needed project may be completed at the earliest possible time, it is necessary that this act go into immediate effect.

CHAPTER 133

An act to amend Section 5715.1 of the Education Code, relating to junior colleges, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 23, 1963 Filed with Secretary of State April 23, 1963.]

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

SECTION 1. Section 5715.1 of the Education Code is amended to read:

5715.1. The governing board of any district, maintaining a junior college, may establish courses outside the district primarily for students who are nonresidents of the district, providing the following conditions are fulfilled:

(a) The governing board of a high school district, not a part of a district maintaining a junior college, with the approval of the county board of education of the county having jurisdiction over the high school district, requests that junior college classes be offered in the high school district.

(b) The district, maintaining the junior college, requests and receives annually the prior written approval of the State Board of Education before establishing or continuing such classes outside its district.

This section shall be in effect until June 30, 1965.

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

In order to continue the authority of school districts to maintain junior college classes in areas outside of the district for the education of persons in technical fields connected with the national defense and other related fields, it is necessary for this act to take effect immediately.

CHAPTER 134

An act to amend Section 21715 of the Vehicle Code, relating to combinations of vehicles.

[Approved by Governor April 23, 1963. Filed with Secretary of State April 23, 1963.]

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

SECTION 1. Section 21715 of the Vehicle Code is amended to read:

21715. No passenger vehicle, or commercial vehicle under 4,000 pounds, shall draw or tow more than one vehicle in com-

bination, except that an auxiliary dolly may be used with the towed vehicle.

This section does not apply to any vehicle drawing or towing unladen implements of husbandry.

CHAPTER 135

An act to add Section 61102.5 to the Government Code, relating to community services districts.

[Approved by Governor April 23, 1963. Filed with Secretary of State April 23, 1963.]

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

SECTION 1. Section 61102.5 is added to the Government Code, to read:

61102.5. The petition for formation may state, as an alternative to an elected board of directors, that the board of supervisors to whom the petition is addressed shall constitute the board of directors. If the district is to lie within more than one county, the petition shall state which board of supervisors is to constitute the board of directors, or that the board of directors shall be composed of the supervisors from each county which will contain portions of the territory of the district.

In the event the board, or boards, of supervisors are to constitute the board of directors, the provisions of Sections 61200 to 61206, inclusive, and Sections 61210 and 61220 shall not apply. The provisions of Sections 61400 to 61413, inclusive, shall apply only as they refer to elections on district propositions to be submitted to the voters, and the provisions of Sections 61430 to 61432, inclusive, shall not be applicable.

After a district is formed pursuant to this section proceedings may be commenced at any time to provide for a separate board of directors. The proceedings shall be commenced by the filing of a petition stating the number of members, either three or five, which the separate board of directors of the district shall have. If the district lies in more than one county separate petitions shall be addressed to the board of supervisors of each county. The petition shall be filed and signed in the same manner as a petition to form a district under Sections 61101, 61103, and 61104. The board of supervisors to whom the petition is addressed shall determine whether or not the petition complies with this section. Its finding in favor of the genuineness and sufficiency of the petition is final and conclusive. The board of supervisors shall, upon determining that the petition complies with this section, call and give notice of an election in the district, or if the district lies in more than one county, in the territory of the district which lies in the county, for the purpose of selecting persons who shall serve as

the directors of the district. The election shall be held not less than 75 days nor more than 90 days from the date of the receipt of the petition. Notice of the election shall be given pursuant to Section 61122. The notice shall contain a statement that the first directors of the separate board of directors will be elected at that election. Sections 61124 and 61125 apply to such election. When the district lies in more than one county the proceedings shall be effected by separate petitioning and proceedings before the board of supervisors in each county in which the district lies. The procedure in each county shall be the same as if the portion of the district within the county constitutes the entire district except that the notice shall indicate that portions of the district lie in one or more counties.

Upon the election of the first directors of the separate board of directors all of the provisions of this part relating to districts governed by a separate board of directors are applicable to the board of directors and to the district.

CHAPTER 136

An act to add Section 26608.1 to, and to amend Section 71265, of the Government Code, relating to service of process.

[Approved by Governor April 23, 1963. Filed with Secretary of State April 23, 1963.]

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

SECTION 1. Section 26608.1 is added to the Government Code, to read:

26608.1. The sheriff, when serving any process or notice, shall, if the instructions to the sheriff include a request for a certificate as prescribed by the Soldiers and Sailors Relief Act of 1940 as amended (50 United States Code Appendix, Section 520) make inquiry of the person served to attempt to ascertain the information required to execute a certificate as prescribed by said act. He shall then execute and deliver to the party requesting service, a certificate as provided by said act or a certificate setting forth the facts as ascertained by him.

SEC. 2. Section 71265 of said code is amended to read:

71265. All provisions of Government Code Sections 26600-26602, 26604, 26606-26608.1, 26609, 26611, 26660-26664, 26680-26684, 26686, and Code of Civil Procedure Sections 262, 262.1, 262.2, 262.3, 262.4, and 262.5, apply to marshals and constables and govern their powers, duties and liabilities.

CHAPTER 137

An act to amend Section 1057 of the Code of Civil Procedure, relating to undertakings and bonds.

[Approved by Governor April 23, 1963. Filed with Secretary of State April 23, 1963.]

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

SECTION 1. Section 1057 of the Code of Civil Procedure is amended to read:

1057. In any case where an undertaking or bond is authorized or required by any law of this State, the officer taking the same must, except in the case of such a corporation as is mentioned in the next preceding section, require the sureties to accompany it with an affidavit stating, as to each affiant, his name, his residence address and his business address, if any, and that they are each residents and householders, or freeholders, within the State, and are each worth the sum specified in the undertaking or bond, over and above all their just debts and liabilities, exclusive of property exempt from execution; and in those cases where the undertaking or bond is in an amount in excess of two thousand dollars ($2,000) the affidavit (herein required) shall also contain: a description sufficient for identification of property, real or personal, belonging to the affiant and relied upon by him as qualifying him on such bond or undertaking, and the nature of affiant's interest or estate therein; the affiant's best estimate of the actual cash value of each such property; a statement of any charge or lien, including the amount thereof, known to the affiant, whether of public record or not, against any such property; any other impediment or cloud known to the affiant on the free right of possession, use, benefit or enjoyment of any such property; provided, however, when the amount specified in the undertaking or bond exceeds three thousand dollars ($3,000), and there are more than two sureties thereon, they may state in their affidavits that they are severally worth amounts less than the amounts specified in the undertaking or bond, if the whole amount is equivalent to that of two sufficient sureties. Any corporation such as is mentioned in the next preceding section, may become sole surety on such bond. No such corporation must be accepted in any case as a surety when its liability exceeds its assets as ascertained in the manner provided in Section 1056. Whenever an undertaking has been given and approved in any action or proceedings, and it is thereafter made to appear to the satisfaction of the court that any surety upon such undertaking for any reason is or has become insufficient, the court may, upon notice, order the giving of a new undertaking, with sufficient sureties, in lieu of such insufficient undertaking. In case such new undertaking so required shall not be given within the time required by such order, or in case the sureties thereon fail to justify thereon

when required, all rights obtained by the filing of the original undertaking shall immediately cease.

Upon filing, the clerk shall enter in the register of actions the date and amounts of such undertaking or bond, and the name or names of the surety or sureties thereon. In the event of the loss of such undertaking or bond, such entries so made shall be prima facie evidence of the due execution of such undertaking or bond as required by law.

This section is not applicable in the case of a bidder's or proposal bond.

CHAPTER 138

An act to amend Section 6413 of the Financial Code, relating to savings and loan associations.

[Approved by Governor April 23, 1963. Filed with Secretary of State April 23, 1963.]

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

SECTION 1. Section 6413 of the Financial Code is amended to read:

6413. Sums received by or mailed to an association on account of shares or investment certificates within the first 10 days of any calendar month (including, if the 10th day of any calendar month is Saturday, Sunday or a holiday, the first day thereafter which is not Saturday, Sunday or a holiday) may, at the option of the association, be deemed to have been received by such association on the first day of such month. The commissioner may, by regulation, provide that any association may, at its option, deem sums received by or mailed to an association on account of shares or investment certificates within the first 20 days of any calendar month (including, if the 20th day of any calendar month is Saturday, Sunday or a holiday, the first day thereafter which is not Saturday, Sunday or a holiday), to have been received by such association on the first day of such month.

The commissioner may exercise this authority only if federal chartered associations have the authority to receive funds within the first 20 days of any calendar month and credit dividends from the first day of the same month on such funds.

CHAPTER 139

An act to amend Section 2110.5 of the Streets and Highways Code, relating to Highway Users Tax Fund.

[Approved by Governor April 23, 1963. Filed with Secretary of State April 23, 1963.]

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

SECTION 1. Section 2110.5 of the Streets and Highways Code is amended to read:

2110 5. In lieu of the provisions of the final lettered subdivision of Section 2110, as to revenues deposited in the State Treasury on and after October 1, 1953, the remainder of the moneys mentioned in Section 2110 after the apportionments provided for in the lettered subdivisions of said section except the final lettered subdivision of said section shall be apportioned among the several counties in the respective proportions that the number of fee-paid vehicles registered in each of such counties bears to the total number of fee-paid vehicles registered in the State during the 12 calendar months covered by the 12 verified statements of registrations last filed with the State Controller, as herein provided, prior to the making of such apportionment.

The Department of Motor Vehicles shall, as soon as possible after the last day of each calendar month, furnish to the State Controller a verified statement showing the number of fee-paid and exempt vehicles registered in each county and in the State during the preceding calendar month, as determined by the places of residence of the registered owners thereof, as shown on the registration cards issued, according to its records, for the use of the State Controller in making the apportionments provided for herein.

CHAPTER 140

An act to amend Sections 12509 and 14606 of, and to repeal Section 12507 of, the Vehicle Code, relating to driver's licenses.

[Approved by Governor April 23, 1963. Filed with Secretary of State April 23, 1963.]

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

SECTION 1. Section 12507 of the Vehicle Code is repealed.

SEC. 2. Section 12509 of said code is amended to read:

12509. Any person who is over the age of 15 years and 6 months may apply to the department for an instruction permit. The department for good cause may issue to the applicant an instruction permit which shall entitle the applicant while

having the permit in his immediate possession to drive a motor vehicle upon the highways for a period not exceeding six months when accompanied by, and under the immediate supervision of, a California licensed driver 18 years of age or over, but the applicant need not be so accompanied when operating a motorcycle. The department may further restrict the permits as it may determine to be appropriate to assure the safe operation of a motor vehicle by the permittee.

SEC. 3. Section 14606 of said code is amended to read:

14606. No person shall employ or hire any person to drive a motor vehicle nor shall he knowingly permit or authorize the driving of a motor vehicle, owned by him or under his control, upon the highways by any person unless the person is then licensed for the appropriate class of vehicle to be driven.

CHAPTER 141

An act to amend Sections 12510 and 12804 of the Vehicle Code, relating to driver's licenses.

[Approved by Governor April 23, 1963. Filed with Secretary of State April 23, 1963.]

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

SECTION 1. Section 12510 of the Vehicle Code is amended to read:

12510. All operator's, chauffeur's or driver's licenses valid on the effective date of this act shall continue to be valid until their normal expiration date. Renewal of driver's licenses shall thereafter be made pursuant to the provisions of this code.

SEC. 2. Section 12804 of the Vehicle Code is amended to read:

12804. (a) The examination shall include a test of the applicant's knowledge and understanding of the provisions of this code governing the operation of vehicles upon the highways, the ability to read and understand simple English used in highway traffic and directional signs, his understanding of traffic signs and signals and the applicant shall be required to give an actual demonstration of his ability to exercise ordinary and reasonable control in operating a motor vehicle by driving the same under the supervision of an examining officer and submit to an examination appropriate to the type of motor vehicle or combination of vehicles he desires a license to drive. The examination shall also include a test of the hearing and eyesight of the applicant and such other matters as may be necessary to determine the applicant's mental and physical fitness to operate a motor vehicle upon the highways and whether any ground exists for refusal of a license under this code.

(b) Any applicant for a driver's license shall be required to submit to an examination appropriate to the type of motor vehicle or combination of vehicles he desires a license to drive in accordance with the following classifications:

(1) Class 1. Any combination of vehicles and includes the operation of all vehicles under class 2 and class 3.

(2) Class 2. Any bus designed to carry more than 15 passengers, any single vehicle with 3 or more axles, any such vehicles towing another vehicle weighing less than 6,000 pounds gross, and all vehicles covered under class 3.

(3) Class 3. Any two-axle vehicle, except a bus designed to carry more than 15 passengers, and such vehicles towing another vehicle weighing less than 6,000 pounds gross.

(c) The department may accept a certificate of driving experience in lieu of a driving test on class 1 or 2 applications when such certificate is issued by an employer of the applicant provided the applicant has first qualified for a class 3 license and also met the other examination requirements for the license for which he is applying. Such certificate may be submitted as evidence of the applicant's experience or training in the operation of the types of equipment covered by the license for which he is applying.

CHAPTER 142

An act to amend Section 42230 of the Vehicle Code, relating to refunds.

[Approved by Governor April 23, 1963. Filed with Secretary of State April 23, 1963.]

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

SECTION 1. Section 42230 of the Vehicle Code is amended to read:

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

CHAPTER 143

An act to amend Section 25300 of the Vehicle Code, relating to warning devices.

[Approved by Governor April 23, 1963. Filed with Secretary of State April 23, 1963.]

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

SECTION 1. Section 25300 of the Vehicle Code is amended to read:

25300. (a) Every motortruck having an unladen weight of 4,000 pounds or more, every trailer coach, and every truck tractor, irrespective of weight, shall be equipped with at least three pot torches, or three red electric lanterns, or three red emergency reflectors.

All warning signals shall be maintained in good working condition.

(b) When any such vehicle or any trailer or semitrailer towed by such vehicle is disabled on the roadway during darkness, warning signals of the type specified in subdivision (a) shall be immediately placed as follows:

(1) One at the traffic side of the disabled vehicle, not more than 10 feet to the front or rear thereof;

(2) One at a distance of approximately 100 feet to the rear of the disabled vehicle in the center of the traffic lane occupied by such vehicle; and

(3) One at a distance of approximately 100 feet to the front of the disabled vehicle in the center of the traffic lane occupied by such vehicle.

(4) If disablement of any such motor vehicle occurs within 500 feet of a curve, crest of a hill or other obstruction to view, the driver shall so place the warning signal in that direction as to afford ample warning to other users of the highway, but in no case less than 100 nor more than 500 feet from the disabled vehicle.

(5) If disablement of the vehicle occurs upon any roadway of a divided or one-way highway, the driver shall place one warning signal at a distance of approximately 200 feet and one such signal at a distance of approximately 100 feet to the rear of the vehicle in the center of the lane occupied by the stopped vehicle, and one such signal at the traffic side of the vehicle not more than 10 feet to the rear of the vehicle.

(c) When any such vehicle or any trailer or semitrailer towed by such vehicle is disabled or parked off the roadway but within 10 feet thereof during darkness, warning signals of the type specified in subdivision (a) shall be immediately placed by the driver as follows: one at a distance of approximately 200 feet and one at a distance of approximately 100 feet to the rear of the vehicle, and one at the traffic side of the vehicle not more than 10 feet to the rear of the vehicle. The signals shall, if possible, be placed between the edge of the

roadway and the vehicle, but in no event less than 2 feet to the left of the widest portion of the vehicle or load thereon.

(d) The continuous flashing of at least four approved type turn signal lamps, at least two toward the front and at least two toward the rear of the vehicle, or the placement of lighted red fusees in the required locations, shall be considered to meet the requirements of this section until the devices mentioned above can be placed in the required locations. The turn signal lamps visible from the front shall flash simultaneously and such lamps visible from the rear shall flash simultaneously.

(e) The pot torches, lanterns, or reflectors shall be displayed continuously during darkness while the vehicle remains disabled upon the roadway or parked or disabled within 10 feet thereof.

(f) Subdivisions (b), (c), (d), and (e) do not apply to a vehicle:

(1) Parked in a legal position within the corporate limits of any city.

(2) Parked in a legal position upon a roadway bounded by adjacent curbs.

CHAPTER 144

An act to amend Section 1183 of the Civil Code, relating to proof and acknowledgment of instruments outside the United States.

[Approved by Governor April 23, 1963. Filed with Secretary of State April 23, 1963.]

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

SECTION 1. Section 1183 of the Civil Code is amended to read:

1183. The proof or acknowledgment of an instrument may be made without the United States, before either:

1. A minister, commissioner, or chargé d'affaires of the United States, resident and accredited in the country where the proof or acknowledgment is made; or,

2. A consul, vice consul, or consular agent of the United States, resident in the country where the proof or acknowledgment is made; or,

3. A judge of a court of record of the country where the proof or acknowledgment is made; or,

4. Commissioners appointed for such purposes by the governor of the state, pursuant to special statutes; or,

5. A notary public.

If the proof or acknowledgment is made before a notary public, the signature of the notary public must be proved or acknowledged before a minister, consul, vice consul or consular agent of the United States or a judge of a court of record of the country where the proof or acknowledgment is made.

CHAPTER 145

An act to amend Section 17159 of the Vehicle Code, relating to liability of personal representatives for motor vehicles.

[Approved by Governor April 23, 1963. Filed with Secretary of State April 23, 1963.]

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

SECTION 1. Section 17159 of the Vehicle Code is hereby amended to read:

17159. Every person who is a personal representative of a decedent who has control or possession of a motor vehicle subject to administration for the purpose of administration of an estate is, during the period of such administration, or until the vehicle has been distributed under order of the court or he has complied with the requirements of subdivision (a) or (b) of Section 5602, liable and responsible for the death of or injury to person or property resulting from negligence in the operation of the motor vehicle by any person using or operating the same with the permission, express or implied, of the personal representative, and the negligence of such person shall be imputed to the personal representative for all purposes of civil damages.

CHAPTER 146

An act to amend Sections 19030 and 19037 of the Streets and Highways Code, relating to establishment of highway lighting districts.

[Approved by Governor April 23, 1963. Filed with Secretary of State April 23, 1963.]

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

SECTION 1. Section 19030 of the Streets and Highways Code is amended to read:

19030. In accordance with the provisions of this part any unincorporated area in this State may be established as a highway lighting district for the purpose of installing and maintaining a street lighting system on public highways within the district for the better protection of the public traveling thereon.

SEC. 2. Section 19037 of said code is amended to read:

19037. The affidavit of the person who circulated and obtained the signatures on the petition, stating that to the best of his knowledge and belief said signatures are genuine and are the signatures of taxpayers within the proposed district, shall be prima facie evidence of the facts recited.

CHAPTER 147

An act to amend Section 11809 of, and to add Section 11810 to, the Vehicle Code, relating to vehicle salesman's license.

[Approved by Governor April 23, 1963. Filed with Secretary of State April 23, 1963.]

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

SECTION 1. Section 11809 of the Vehicle Code is amended to read as follows:

11809. The following shall be paid to the department:

(a) Application fee for the original issuance of a license $10

(b) Annual renewal fee (May 1 to May 31) 10

(c) Penalty upon late renewal (June 1 to June 30) 5

SEC. 2. Section 11810 is added to said code, to read:

11810. The vehicle salesman's license or any permit provided for in this chapter shall be automatically canceled upon the failure of the licensee to file an application for renewal of the license or permit before July 1st following the expiration date of the current license or permit.

CHAPTER 148

An act to amend Section 35752 of the Vehicle Code, relating to bridge signs.

[Approved by Governor April 23, 1963. Filed with Secretary of State April 23, 1963.]

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

SECTION 1. Section 35752 of the Vehicle Code is amended to read:

35752. Thereupon, the authority having jurisdiction over the bridge or other structure shall erect and maintain suitable signs specifying the maximum weight so determined, at a distance of not more than 500 feet from each end of the bridge or other structure or any approach thereto.

Any such signs erected on or after January 1, 1964 shall contain the words "Weight Limit ..... Tons per Vehicle" with the maximum gross weight inserted in figures preceding the word "tons," the words "weight limit" and the figures and the word "tons" set forth in letters not less than 3 inches in height, and the words "per vehicle" in letters not less than 1½ inches in height. Any such sign may also contain additional provisions stating maximum gross weight in tons for a tractor and semitrailer and any other combination or combinations of vehicles in figures and words not less than 1½ inches in height. The stroke for letters and figures 3 inches or more in height

shall be not less than one-half inch and for letters and figures 1½ inches and not more than 3 inches in height shall be not less than one-fourth inch. It shall only be necessary to state the words "weight limit" once upon any such sign.

CHAPTER 149

An act to amend Sections 2213 and 2214 of the Streets and Highways Code, relating to federal-aid secondary highways.

[Approved by Governor April 23, 1963. Filed with Secretary of State April 23, 1963]

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

SECTION 1. Section 2213 of the Streets and Highways Code is amended to read:

2213. By agreement with the department a county may transfer all or part of the funds apportioned to it, and in its discretion matching funds, to a federal-aid secondary road project:

(a) In an adjoining county where the highway connects points in the two counties.

(b) In a city in the same county.

(c) For use with respect to a state highway in the same county or other county in the same county group as specified in Section 187. Such an expenditure of federal funds or the money apportioned by the State to match the unexpended balance of the federal aid shall not be deemed an expenditure to meet the requirements of Sections 188.8 and 188.9.

SEC. 2. Section 2214 of said code is amended to read:

2214. Federal-aid secondary funds apportioned to any county under Sections 2208-2209, inclusive, and not claimed or used as provided in Sections 2211 to 2213, inclusive, shall be expended upon federal-aid secondary projects upon the state highway system in the county group, as specified in Section 187, which includes the county from which released, to the extent that such may be done in conformity with federal law. The money apportioned by the State to match the unexpended balance of the federal aid, in any county in accordance with this section and the federal aid shall be deemed an expenditure to meet the requirements of Sections 188, 188 8 and 188.9.

CHAPTER 150

An act to amend Section 5204 of the Vehicle Code, relating to display of tab, sticker or other suitable device.

[Approved by Governor April 23, 1963. Filed with Secretary of State April 23, 1963.]

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

SECTION 1. Section 5204 of the Vehicle Code is amended to read:

5204. Tabs shall indicate the year number for which issued, which tab, sticker, or other suitable device shall be attached to the rear license plate issued for the vehicle for the last preceding calendar year in which license plates were issued, and, when so attached, the license plates with such tab shall for the purposes of this code be deemed to be the license plates for the ensuing registration year; except that truck tractors shall display such tab, sticker, or other device upon the front license plate issued to such vehicle.

CHAPTER 151

An act to amend Section 21402 of the Vehicle Code, relating to yield right-of-way signs.

[Approved by Governor April 23, 1963. Filed with Secretary of State April 23, 1963.]

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

SECTION 1. Section 21402 of the Vehicle Code is amended to read:

21402. Every yield right-of-way sign erected on or after October 1, 1963, shall carry the word "Yield" with letters at least six inches in height, and shall otherwise conform to the specifications as set forth in the National Manual on Uniform Traffic Control Devices for Streets and Highways.

CHAPTER 152

An act to amend Sections 25350 and 25351 of the Vehicle Code relating to display of lights on commercial and common carrier vehicles.

[Approved by Governor April 23, 1963 Filed with Secretary of State April 23, 1963]

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

SECTION 1. Section 25350 of the Vehicle Code is amended to read:

25350. Any passenger common carrier motor vehicle may be equipped with green identification lamps, an illuminated termini sign, and illuminated identification sign, or any combination thereof, which shall not project any glaring light.

SEC. 2. Section 25351 of said code is amended to read:

25351. Any commercial vehicle, other than a passenger common carrier motor vehicle, shall not be equipped with an illuminated identification sign upon the front thereof which exceeds 24 inches in length or 8 inches in width or which is lighted by other than a diffused white light which does not project any glaring light.

A commercial vehicle may be equipped with not more than three lamps mounted in a row on the front or rear, which lamps shall not exceed three inches in diameter, equipped with bulbs not in excess of six candlepower and exhibiting to the front either amber, green, or white light, or any combination thereof, and to the rear exhibiting red light. No part of any such lamps or their mountings, on the front of a commercial motor vehicle, shall extend below the top of the windshield.

CHAPTER 153

An act to amend Section 22111 of the Vehicle Code, relating to the giving of hand signals.

[Approved by Governor April 23, 1963. Filed with Secretary of State April 23, 1963.]

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

SECTION 1. Section 22111 of the Vehicle Code is amended to read:

22111. All required signals given by hand and arm shall be given from the left side of a vehicle in the following manner:

(a) Left turn—hand and arm extended horizontally beyond the side of the vehicle.

(b) Right turn—hand and arm extended upward beyond the side of the vehicle.

(c) Stop or sudden decrease of speed signal—hand and arm extended downward beyond the side of the vehicle.

CHAPTER 154

An act to amend Sections 13551 and 14250 of the Vehicle Code, relating to drivers' licenses.

[Approved by Governor April 23, 1963 Filed with Secretary of State April 23, 1963]

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

SECTION 1 Section 13551 of the Vehicle Code is amended to read:

13551. Whenever the department revokes or suspends the privilege of any person to operate a motor vehicle, the revocation or suspension shall apply to all driver's licenses held by him, and all such licenses shall be surrendered to the department unless previously surrendered to the court. Whenever the department cancels a driver's license, the license shall be surrendered to the department. All suspended licenses shall be retained by the department. The department shall return the license to the licensee, or may grant him a new one upon the expiration of the period of suspension, upon termination of the period of suspension or revocation, or whenever the department determines that the grounds for suspension or revocation did not exist at the time such action was taken.

SEC. 2. Section 14250 of said code is amended to read:

14250. Whenever by any provision of this code the department has discretionary authority to suspend or revoke the privilege of a person to operate a motor vehicle, the department may in lieu of suspension or revocation place the person on probation, the terms of which may include a suspension as a condition of probation, issuing a probationary license with such reasonable terms and conditions as shall be deemed by the department to be appropriate.

CHAPTER 155

An act to amend Section 14601 of the Vehicle Code, relating to driving without a license.

[A B. 456 having remained with the Governor 10 days (Sundays excepted), and the Legislature being in session, it became law without his signature (See Section 9516, Government Code.) Filed with Secretary of State April 23, 1963.]

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

SECTION 1. Section 14601 of the Vehicle Code is amended to read:

14601. (a) No person shall drive a motor vehicle upon a highway at any time when his driving privilege is suspended or revoked and the person so driving has knowledge of either such fact.

(b) A second or any subsequent conviction under this section shall be punished by imprisonment in the county jail for not less than five days nor more than six months.

(c) Any person convicted of a second or subsequent offense under this section shall not be granted probation by the court, nor shall the court suspend the execution of the sentence imposed upon such person.

CHAPTER 156

An act to add Division 20 (commencing with Section 71000) to the Water Code, thereby revising and consolidating the law relating to municipal water districts, including provisions for the supervision, regulation, and conduct of such districts, and to repeal the Municipal Water District Act of 1911 (Chapter 671, Statutes of 1911).

[Approved by Governor April 25, 1963. Filed with Secretary of State April 26, 1963.]

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

SECTION 1. Division 20 (commencing with Section 71000) is added to the Water Code, to read:

DIVISION 20. MUNICIPAL WATER DISTRICTS

PART 1. INTRODUCTORY PROVISIONS

CHAPTER 1. SHORT TITLE

71000. This division shall be known and may be cited as the Municipal Water District Law of 1911.

CHAPTER 2. DEFINITIONS

71010. Unless the context otherwise requires, the provisions of this chapter govern the construction of this division.

71011. The definition of a word applies to any of its variants.

71012. "City" means any chartered or general law city.

71013. "District" means a municipal water district formed pursuant to the Municipal Water District Act of 1911 or this division.

71014. "Board" means the board of directors of a district.

71015. "Principal county" means the county in which the greater portion of the land of a district or a proposed district is situated.

71016. "Affected county" means any county in which the land of a district, or proposed district, is situated.

71017. "Voter" means a voter as defined in Section 21 of the Elections Code.

71018 "President" means the president of the board of directors of a district.

71019. "Secretary" means the secretary of a district.

CHAPTER 3 GENERAL PROVISIONS

71030. Nothing in this division shall be construed as repealing or modifying any other law relating to water or the supply of water to cities, or the acquisition thereof by cities.

71031. Except as otherwise provided in Section 71454, if there is a registrar of voters, other than the county clerk, in any county in which any district proposed to be incorporated, or incorporated, under the provisions of this division is situated, the duties required by this division to be performed by the county clerk respecting the nomination of candidates for offices of the district, and the holding of elections in the district, shall be performed by the registrar of voters.

71032. The inclusion in, or annexation or addition to, a district, of the territory of any public corporation or agency shall not destroy the identity or legal existence, or impair the powers, of the public corporation or agency, notwithstanding the identity, or substantial identity, of purpose of the district.

71033 No public corporation or agency having identity, or substantial identity, of purpose shall be formed partly or entirely within a district without the consent of the district.

71034. Except as otherwise provided in Sections 72322 and 72341, whenever provision is made in this division for notice in a county, it shall be construed to require notice in each affected county

71035 Except with respect to formation proceedings, in any district containing lands situated in more than one county, all papers required by this division to be filed with a county clerk shall be filed with the secretary.

71036 Except as otherwise provided in this division, procedure relating to formation, annexation, dissolution, exclusion, fiscal matters, and taxation in districts containing lands situated in more than one county shall conform as near as may be to such provisions with respect to districts containing lands situated in one county.

PART 2. FORMATION

CHAPTER 1. GENERAL PROVISIONS

71050 Unless the context otherwise requires, as used in this part, "county clerk" means the county clerk of the principal county.

71051. Unless the context otherwise requires, as used in this part, "board of supervisors" means the board of supervisors of the principal county

71052. As used in this part, "declaration of intention" means a declaration of intention to circulate a petition for the formation of a district.

CHAPTER 2. TERRITORY

Article 1. In General

71060. The people of any county or counties, or of any portions thereof, whether such portions include unincorporated territory only or incorporated territory of any city or cities, or both such incorporated and unincorporated territory, may organize a district under the provisions of this division

71061. The cities proposed to be included in the district need not be contiguous, and the unincorporated territory may consist of one or more parcels which need not be contiguous to each other or to any such city or cities.

Article 2. Inclusion of Cities

71070. As used in this article, "territory of a city" means the corporate area of the city and all territory as to which proceedings for annexation to the city have been commenced by a valid petition filed with the governing body of the city.

71071. Except as otherwise provided in this article, if a declaration of intention includes any portion of a city, the entire territory of the city, at the time of filing the declaration, shall be included within the boundaries of the proposed district.

71072 If a declaration of intention includes any territory within the boundaries of a proposed city for which a valid petition for incorporation has been filed with the board of supervisors of the affected county, the entire area of the proposed city, at the time of filing the declaration of intention, shall be included within the boundaries of the proposed district.

71073. If a declaration of intention is filed, and proceedings for the formation of the district are commenced and prosecuted, in the manner and within the time specified by this part, the inclusion within the boundaries of the proposed district of any city to which territory is annexed, pursuant to proceedings which were not commenced by the filing of a valid petition prior to the filing of the declaration of intention, shall not prevent or invalidate the formation of the district even though the territory annexed to the city pursuant to the annexation proceedings is not included in the district.

71074 If a declaration of intention is filed, and proceedings for the formation of the district are commenced and prosecuted, in the manner and within the time specified by this part, the inclusion within the boundaries of the proposed dis-

trict of territory formed into a new city or annexed to an existing city, pursuant to proceedings which were not commenced by the filing of a valid petition prior to the filing of the declaration of intention, shall not prevent or invalidate the formation of the district even though the remainder of the corporate area of the city is not included in the district.

71075. If no declaration of intention has been filed, and a petition for the formation of a district includes any portion of a city, the entire territory of the city, at the time of filing the formation petition, shall be included within the boundaries of the proposed district.

71076 If no declaration of intention has been filed, and a petition for the formation of a district includes any territory within the boundaries of a proposed city for which a valid petition for incorporation has been filed with the board of supervisors of the affected county, the entire area of the proposed city, at the time of filing the formation petition, shall be included within the boundaries of the proposed district.

71077. If no declaration of intention has been filed, the inclusion within the boundaries of a proposed district of any city to which territory is annexed, pursuant to proceedings which were not commenced by the filing of a valid petition prior to the filing of the formation petition, shall not prevent or invalidate the formation of the district even though the territory annexed to the city pursuant to the annexation proceedings is not included in the district.

71078. If no declaration of intention has been filed, the inclusion within the boundaries of a proposed district of territory formed into a new city or annexed to an existing city, pursuant to proceedings which were not commenced by the filing of a valid petition prior to the filing of the formation petition, shall not prevent or invalidate the formation of the district even though the remainder of the corporate area of the city is not included in the district.

71079. Notwithstanding any other provision of this article, if, prior to the filing of a formation petition, any portion of the corporate area of a city is included within an existing municipal water district, a district may be formed pursuant to this division to include the remainder of the corporate area of the city.

71080. If, subsequent to the filing of a declaration of intention which includes a portion of the corporate area of a city, but prior to the filing of the formation petition, such portion of the corporate area of the city is included within an existing municipal water district so that the entire corporate area of the city is included within such existing district, such portion of the corporate area of the city shall be omitted from the formation petition. Such omission shall not invalidate the declaration of intention if it is otherwise sufficient.

71081. If, subsequent to the filing of a declaration of intention, but prior to circulating the formation petition, a valid petition is filed with, or a resolution is adopted by, the govern-

ing body of a city, the corporate area of which is included in a metropolitan water district organized under the Metropolitan Water District Act, to initiate formal proceedings for the annexation to the city of territory within the proposed municipal water district, in a manner which would result in automatic annexation to the metropolitan water district of the territory annexed to the city, the proponents of the formation of the municipal water district may omit from the proposed municipal water district all territory included in the petition or resolution for annexation. If such territory is omitted, no part of the city shall be included within the proposed municipal water district.

CHAPTER 3. DECLARATION OF INTENTION

71100. The proponents of the formation of a district may declare their intention to circulate a petition for the formation of the district. To qualify as a proponent, a person shall be a voter residing within the boundaries of the proposed district.

71101. The declaration of intention shall be addressed to the board of supervisors of the principal county, shall describe the boundaries of the proposed district, and shall be signed by not less than 100 qualified proponents. Each proponent shall affix opposite his signature his place of residence and the date of his signing.

71102. The declaration of intention shall be filed with the county clerk not later than 10 days following the date upon which the last signature is affixed thereto.

71103. Within 10 days of the date of the filing of the declaration of intention, the county clerk shall examine it and determine whether it was signed by the requisite number of qualified proponents.

71104. When the county clerk has completed his examination, he shall attach to the declaration of intention his certificate, properly dated, showing the result of the examination.

71105. If the county clerk finds from the examination that the declaration of intention is signed by the requisite number of qualified proponents he shall certify that the declaration is sufficient. If he finds it is not so signed, he shall certify that the declaration is insufficient.

71106. If the county clerk's certificate shows that the declaration of intention is insufficient, the declaration of intention shall be filed by him and kept as a public record, without prejudice to the filing of a new declaration of intention.

71107. If the county clerk's certificate shows that the declaration of intention is sufficient, he shall publish the text of the declaration, together with a notice stating that the declaration has been filed in his office and the date of the filing. Such publication shall be made in each affected county pursuant to Section 6061 of the Government Code. Not more than five of the names attached to the declaration of intention need

appear in the publication, but the number of signers shall be stated.

71108. Notwithstanding any other provision of this chapter, a district may be formed without the filing of a declaration of intention.

CHAPTER 4. FORMATION PETITION

71120. A petition for the formation of a district, which may consist of any number of separate instruments, shall be filed with the county clerk.

71121. The formation petition shall be signed by voters residing within the proposed district equal in number to at least 10 percent of the number of such voters voting for all candidates for the office of Governor at the last preceding gubernatorial election. If one or more cities are included in the proposed district, the formation petition shall, in addition, be signed by at least 10 percent of the voters of each such city so voting at such election.

71122. If only a portion of the corporate area of a city is included within a proposed district, and 12 or more registered voters reside within such portion of the city, the formation petition shall be signed by voters residing within such portion equal in number to at least 10 percent of the total number of registered voters in such portion, or 10 percent of the number of voters of such portion voting for all candidates for the office of Governor at the last general election prior to the filing of the petition, whichever is the lesser number. If less than 12 registered voters reside within such portion of the city, the formation petition shall be signed by at least 50 percent of the voters residing in such portion.

71123. The formation petition shall describe the boundaries of the proposed district and shall contain a prayer that the proposed district be formed pursuant to this division.

71124. Except as otherwise authorized in this part, the boundaries of the proposed district shall be described in the formation petition in the same manner as in the declaration of intention and shall include the same area.

71125. The circulation of a formation petition shall be commenced by the proponents within 30 days from the date of the filing of the declaration of intention with the county clerk. The petition shall be circulated and filed with the county clerk within 90 days from the date of the filing of the declaration of intention.

71126. Within 10 days of the date of the filing of the formation petition, the county clerk shall examine the petition and determine whether it is signed by the requisite number of voters. Upon request of the county clerk, the board of supervisors shall authorize him to employ persons specially for this purpose, in addition to the persons regularly employed in his office, and shall provide for their compensation.

71127. When the county clerk has completed his examination of the formation petition, he shall attach to it his certificate, properly dated, showing the result of such examination.

71128. If the county clerk finds from the examination that the formation petition is signed by the requisite number of voters residing within the boundaries of the proposed district, and within the boundaries of each city included therein, he shall certify that the petition is sufficient. If he finds that it is not so signed, he shall certify that the petition is insufficient.

71129. If the county clerk certifies in his certificate that the formation petition is insufficient, he shall also certify therein to the number of voters required to make the petition sufficient, and the petition may be amended by filing a supplemental petition or petitions within 10 days from the date of such certificate.

71130. Within 10 days after the filing of any supplemental petition or petitions, the county clerk shall examine them and certify to the result of such examination as provided in Sections 71126 to 71128, inclusive.

71131. If any supplemental petition is filed, all the signatures on the original and supplemental petitions shall be considered in determining the number of voters signing the petition.

71132. After the time for filing supplemental petitions has expired and all supplemental petitions have been examined, if the county clerk's certificate shows that the formation petition is insufficient, the petition shall be filed by him with the board of supervisors and kept as a public record, without prejudice to the filing of a new petition.

71133 If the county clerk's certificate shows that the formation petition is sufficient, the county clerk shall present the petition to the board of supervisors without delay.

71134 After an election for the formation of a proposed district, the sufficiency of the formation petition shall not be subject to judicial review or be otherwise questioned.

71135 If there is a registrar of voters in the principal county, upon the filing of the formation petition with the county clerk, the county clerk shall forthwith deliver the petition to the registrar of voters, who shall perform the duties required by this article to be performed by the county clerk respecting the examination and certification of the formation petition. Immediately upon his completion of the examination, the registrar of voters shall return the petition, together with his certificate showing the result of the examination, to the county clerk. The county clerk shall thereupon present the petition, with the certificate of the registrar of voters attached thereto, to the board of supervisors.

CHAPTER 5. FORMATION ELECTION

71160. When a formation petition is presented to it, the board of supervisors shall make an order dividing the pro-

posed district into five divisions in such manner as to equalize, as nearly as practicable, the population in the respective divisions The board of supervisors shall use for this purpose the population as estimated by it from the register of voters used at the last general election

The divisions of the district shall be numbered first, second, third, fourth, and fifth.

71161 When the order dividing the proposed district into five divisions is made, the board of supervisors shall by resolution or ordinance call and provide for the holding of an election in the proposed district for the purpose of determining whether the district shall be formed and to elect the first board of directors if the district is formed.

71162 The formation election shall be held not less than 90 days nor more than 120 days from the date of adoption of the resolution or ordinance calling the election.

71163. Notice of the formation election shall be published once, not less than one week nor more than four weeks prior to the election, in at least one newspaper but not exceeding three newspapers, printed and published in each affected county.

71164 The notice of the formation election shall contain the following:

(a) A description of the boundaries of the proposed district and its divisions.

(b) The name of the proposed district, which name shall contain the words "_____ Municipal Water District."

(c) A statement that the first directors will be elected at the election and will take office if the district is formed.

(d) The names of the candidates for the office of director for each of the divisions.

71165. The following measure shall be submitted at the formation election:

"Shall the proposition to form the _____ Municipal Water District under the Municipal Water District Law of 1911 be adopted?"

71166. No person may vote at any formation election unless he is a voter.

71167. Within seven days after the formation election the board of supervisors shall canvass the vote.

71168. If less than a majority of the votes cast in any affected county are in favor of the proposition, the formation of the district fails, but without prejudice to renewing proceedings at any time after six months from the date of the formation election.

71169. The first directors shall be elected at the formation election.

71170. One director shall be elected for each division by the voters of the division. Each director shall be a resident of the division for which he is elected.

71171. Except as otherwise provided in this division, the candidates shall declare their candidacy and shall be nominated, the election shall be held and conducted, the vote canvassed, the result declared, and the certificates of election issued in accordance with the provisions of the Elections Code, so far as they may be applicable.

71172. If a majority of the votes cast in each affected county at the formation election favor the formation of the district, each candidate for director who receives the highest number of votes in his division is elected as a director of the district.

CHAPTER 6. ESTABLISHMENT OF DISTRICT

71190. If a majority of the votes cast in each affected county at the formation election favor the formation of the district, the board of supervisors shall, by an order entered on its minutes, declare the territory included within the proposed boundaries to be formed as a municipal water district under the designated name.

71191. The county clerk shall immediately cause to be filed with the Secretary of State, and shall cause to be recorded in the office of the county recorder of each affected county, a certificate stating that the proposition to form the district was adopted.

71192. Upon the receipt of the county clerk's certificate, the Secretary of State shall, within 10 days, issue his certificate reciting that the municipal water district, naming it, has been duly incorporated according to the laws of the State.

71193. A copy of the Secretary of State's certificate shall be transmitted to and filed with the county clerk of each affected county.

71194. From and after the date of filing the county clerk's certificate with the Secretary of State, the district named therein is incorporated as a municipal water district, with all the rights, privileges and powers set forth in this division, and necessarily incident thereto.

71195. No informality in any proceeding, or in the conduct of any election, not substantially affecting adversely the legal rights of any citizen, shall invalidate the incorporation of any municipal water district.

71196. Any proceeding wherein the validity of the incorporation of a district is denied shall be commenced within three months from the date of the Secretary of State's certificate of incorporation; otherwise the incorporation and legal existence of the district and all proceedings in respect thereto shall be held to be valid and in every respect legal and incontestable.

PART 3. INTERNAL ORGANIZATION

CHAPTER 1. DIRECTORS

71250. The board of directors shall consist of five members. Each director shall be a resident of the division from which he is elected.

71251. The directors elected at the formation election shall classify themselves by lot so that two of them shall hold office until the election and qualification of their successors at the first succeeding general district election and three of them shall hold office until the election and qualification of their successors at the second succeeding general district election.

71252. Each director elected subsequent to the formation election shall hold office for a term of four years from and after the date for his taking of office and until the election and qualification of his successor.

71253. Except for the directors elected at the formation election, directors elected to office shall take office at the time provided by the Government Code for county officers to take office.

71254. Any vacancy in the office of director shall be filled by a majority of the remaining directors. The person selected shall be a resident of, and otherwise qualified to be a director from, the division in which the vacancy occurred and shall hold office for the remainder of the unexpired term.

71255. Each director shall receive compensation in an amount not to exceed fifty dollars ($50) for each meeting of the board attended by him, which amount shall be fixed from time to time by the board. No director shall receive compensation for more than two meetings in any calendar month.

CHAPTER 2. THE BOARD

Article 1. In General

71270. The board is the governing body of the district.

71271. The board shall hold its first meeting as soon as possible after the election and certification of the first board of directors and not later than the sixth Monday after the date of the formation election.

71272. At its first meeting, the board shall provide for the time and place of holding its meetings and the manner in which its special meetings may be called.

71273. At its first meeting, and at its first meeting in the month of January of each odd-numbered year, the board shall elect one of its members president.

71274. A majority of the board shall constitute a quorum for the transaction of business.

71275. All legislative sessions of the board, whether regular or special, shall be open to the public.

71276. The board shall act only by ordinance, resolution, or motion.

71277. On all ordinances the roll shall be called and the ayes and noes recorded in the journal of the proceedings of the board.

71278. Resolutions and orders may be adopted by voice vote, but on demand of any member of the board the roll shall be called.

71279. No ordinance, motion, or resolution shall be passed or become effective without the affirmative vote of a majority of the members of the board.

71280. The enacting clause of all ordinances passed by the board shall be: "Be it ordained by the Board of Directors of _____ Municipal Water District as follows:".

Article 2. Powers and Duties

71300. All powers, privileges, and duties of a district shall be exercised and performed by the board.

71301. Any executive, administrative, and ministerial powers may be delegated and redelegated by the board to any of the offices created by this part or by the board.

71302. The board may fix the time and place or places at which its regular meetings will be held, and shall provide for the calling and holding of special meetings.

71303. The board may fix the location of the principal place of business of the district and the location of all offices and departments maintained under this division.

71304. The board may prescribe by ordinance a system of business administration.

71305. The board may create any necessary offices and establish and re-establish the powers, duties, and compensation of all officers and employees.

71306. The board may require and fix the amount of all official bonds necessary for the protection of the funds and property of the district.

71307. The board may prescribe by ordinance a system of civil service.

71308. The board may by ordinance delegate and redelegate to the officers of the district the power to employ clerical, legal, and engineering assistants and labor.

71309. The board may by ordinance delegate and redelegate to officers of the district, under such conditions and restrictions as shall be fixed by the board, the power to bind the district by contract.

71310. The board may prescribe a method of auditing and allowing or rejecting claims and demands.

71311. The board shall designate a depository or depositories to have the custody of the funds of the district. All such depositories shall give security sufficient to secure the district against possible loss and shall pay the warrants drawn by the

treasurer for demands against the district under such rules as the directors may prescribe.

Chapter 3. Officers and Employees

Article 1. In General

71340. At its first meeting, or as soon thereafter as practicable, the board shall appoint, by a majority vote, a secretary, treasurer, attorney, general manager, and auditor, and shall define their duties and fix their compensation.

Each of these officers shall serve at the pleasure of the board.

71341. The board may employ such additional assistants and employees as it deems necessary to efficiently maintain and operate the district.

71342. The board may consolidate the offices of secretary and treasurer.

Article 2. Duties

71360. The president and secretary, in addition to the duties imposed on them by law, shall perform such duties as may be imposed on them by the board.

71361. The treasurer, or such other person or persons as may be authorized by the board, shall draw checks or warrants to pay demands when such demands have been audited and approved in the manner prescribed by the board.

71362. Subject to the approval of the board, the general manager shall have full charge and control of the maintenance, operation, and construction of the waterworks or waterworks system of the district, with full power and authority to employ and discharge all employees and assistants at pleasure, prescribe their duties, and fix their compensation.

71363. The general manager shall perform such other duties as may be imposed on him by the board. He shall report to the board in accordance with such rules and regulations as it may adopt.

71364. The attorney shall be the legal adviser of the district and shall perform such other duties as may be prescribed by the board.

71365. The general manager, secretary, and treasurer, and other employees or assistants of the district designated by the board, shall give such bonds to the district conditioned for the faithful performance of their duties as the board from time to time may provide. The premiums on the bonds shall be paid by the district.

Chapter 4. Prohibited Interests in Contracts

71390. Except as provided in Section 71392, no director shall in any manner be interested, directly or indirectly, in any contract awarded or to be awarded by the board, and no officer or employee of a district shall in any manner be interested,

directly or indirectly, in any contract made by such officer or employee pursuant to discretionary authority vested in him, or in the benefits to be derived therefrom.

71391. For any violation of Section 71390, a director or other officer or employee of a district is guilty of a misdemeanor.

71392. The holding of an interest in a contract or instrument by a director, officer, or employee, or his derivation of benefit therefrom, shall not invalidate the contract or instrument, or constitute a violation of any law, in either of the following cases:

(a) If the director or other officer or employee owns or controls, directly or indirectly, not more than 5 percent of the outstanding stock or securities of the contracting corporation.

(b) If the contract or instrument is entered into pursuant to the provisions of any ordinance or regulation of the district of uniform application, and such ordinance or regulation was effective prior to the execution of such contract or instrument.

PART 4. ELECTIONS

CHAPTER 1. ELECTIONS GENERALLY

71450. As used in this part:

(a) "District election" means every election held within the district for district purposes, but does not include a formation election.

(b) "General district election" means the district election for the election of directors which shall be held in each even-numbered year at the time of the direct primary election and consolidated therewith.

(c) "Special district election" means any district election other than the general district election.

71451. Except as otherwise provided in this division, the provisions of the Elections Code, so far as they may be applicable, shall govern all district elections.

71452. The board shall call and canvass all elections involving matters of initiative and referendum and shall call all other elections which it is authorized to canvass.

71453. No person shall vote at any district election unless he is a voter residing in the division of the district in which he casts his vote.

71454. Except with respect to formation elections, whenever lands situated in more than one county are included in a district:

(a) The secretary shall perform all duties prescribed by law to be performed by county clerks or registrars of voters, as the case may be, in connection with district elections.

(b) Where necessary, the secretary is authorized to procure from the proper county officials all necessary registration books and copies of indexes thereof.

(c) The board shall perform all duties prescribed by law to be performed by boards of supervisors in connection with district elections.

CHAPTER 2. PREPARATION OF BALLOTS

71460. For the purpose of registering persons who are entitled to vote at district elections, the county clerk or registrar of voters may, in any county in which there is a district, indicate upon the affidavit of registration whether the person is a voter of the district.

71461. In counties in which districts are located, the county clerk or registrar of voters may have printed upon the official ballots provided for voters at elections for directors a heading in the same form as that provided by the Elections Code for nonpartisan officers. The heading shall be marked "Municipal Water District," with a subheading "For a Member of the Board of Directors, Division _____ (here inserting the number of the division)—Vote for One," and beneath which shall appear the names of the candidates for the office of director for that division of the district, with the appropriate blank space for the writing in of the name of a candidate if desired by the voters, and with a voting square placed opposite the space.

71462. The ballots provided for voters at elections for directors shall be furnished by the precinct officers only to those voters within their respective precincts who appear on the register as duly registered voters within the affected division of the district.

71463. In precincts which lie only partly within a district, the precinct board shall be supplied with two kinds of ballots by the county clerk or registrar of voters, one of which shall contain the matters set forth in Section 71461 for the use of voters of the district, and the other of which shall not contain the matters set forth in Section 71461 and shall be furnished to those voters of the precinct who are not voters of the district.

CHAPTER 3. PRECINCTS AND POLLING PLACES

71470. The governing body calling or conducting any election pursuant to this division shall:

(a) Fix the compensation to be paid the officers of the election.

(b) Designate the precincts and polling places for each division of the district.

(c) Appoint the officers of the election.

71471. The officers of the election shall consist of one inspector, one judge, and two clerks, unless in case of consolidated elections, other officers of election are required by law.

71472. The voting precincts for any election held pursuant to this division may be established and the boundaries thereof

fixed and described by the governing body conducting the election, or the voting precincts may consist of either the regular election precincts or portions thereof within the district established for holding state or county elections or a consolidation of any or all of such regular election precincts or portions thereof last established.

71473. If any district election is consolidated with any state or county election, the voting precincts, polling places, and election officers for the district election shall be the same as those established for the state or county election.

CHAPTER 4. ELECTION OF DIRECTORS

Article 1. In General

71500. The successors to the first directors shall be elected or chosen at the times and in the manner provided in this chapter.

71501. One director, who shall be a resident of the division and shall be elected by the voters thereof, shall be elected for each of the five divisions of the district.

71502. Except as to the election of the first directors, and except as provided in Section 71504, directors shall be elected at the general district election.

71503. Each candidate for director who at the general district election receives votes on a majority of all the ballots cast for candidate for the office which he seeks is elected to that office.

71504. If, at the general district election, none of the candidates for an office of director receives a majority of the votes cast for the office, the two candidates who receive the highest number of votes cast for the office shall be the candidates for the office at a special district election which shall be held at the same time as the next succeeding general election and shall be consolidated therewith.

71505. Candidates shall declare their candidacy and shall be nominated, election returns shall be canvassed, the election shall be held and conducted, the results shall be declared, and the certificates of election shall be issued, in the same manner as the declaration of candidacy, nomination, election, canvassing of returns, declaration of results, and issuance of certificates of election for county officers are made, declared, held, and conducted, and issued, so far as consistent with the provisions of this division and except as otherwise expressly provided in this division.

Article 2. Appointment in Lieu of Election

71510. If, on the 65th day prior to the day fixed for the general district election, only one person has been nominated for each office of director to be filled at that election, or if no person has been nominated for any one or more of such offices,

the board shall by resolution entered in its minutes order that an election shall not be held, and shall immediately request the board of supervisors of the principal county to make an appointment.

71511. Upon receipt of the request of the board, the board of supervisors of the principal county, at a regular or special meeting held prior to the day of general district election, shall appoint to the office or offices to be filled the person or persons who have been nominated, or if no person has been nominated for an office, any qualified person.

71512. A person appointed to office of director shall qualify and take office and serve exactly as if elected at a general district election.

71513. If no election is to be held, the publication provided for in Article 6 (commencing with Section 6580), Chapter 2, Division 5 of the Elections Code shall, instead of calling an election, state that no election is to be held but that the board of supervisors of the principal county will appoint those nominated for the office or offices of director or, if no person is nominated for an office, will appoint a qualified person to such office.

71514. Notice that an appointment may be made in the event that only one or no nomination is made shall be published in a newspaper of general circulation in the district, once, not less than seven days and not more than 14 days prior to the final day on which nominations may be made.

CHAPTER 5. INITIATIVE, REFERENDUM, AND RECALL

71530. Ordinances may be passed by the voters of a district in accordance with the methods provided by the Elections Code for direct legislation in cities.

71531. Ordinances may be disapproved and vetoed by the voters of a district in accordance with the methods provided by the Elections Code for protesting against legislation in cities.

71532. Every incumbent of the office of director, whether elected by popular vote for a full term, or chosen by the board to fill a vacancy, is subject to recall by the voters of the district in accordance with the recall provisions of the Elections Code relating to cities.

CHAPTER 6. RELOCATION OF DIVISION BOUNDARIES

71540. Whenever a sufficient change in the population occurs in a district after its organization which makes it desirable in the opinion of the board to relocate the boundary or boundaries of any division or divisions, or whenever any territory is added to or excluded from the district, the board shall, by resolution, relocate the boundary lines of the division or divisions so as to equalize, as nearly as may be practicable, the population in the respective divisions. For this purpose, the

board may estimate the population by reference to the register of voters used at the last general election, and may relocate the boundary lines of the respective divisions without regard to the places of residence of the directors then in office.

71541. No change in the division boundaries shall be made within the four months immediately preceding the election of any director nor shall such change in division boundaries work a forfeiture of the office of any director.

71542. Whenever a change is made in the division boundaries, each director then in office shall, until his office becomes vacant by expiration of his term or otherwise, continue to be the director for the respective division bearing the number of his division as formerly located even though he is not a resident of the relocated division. His successor shall be a resident and voter of the relocated division.

PART 5. POWERS AND PURPOSES

CHAPTER 1. POWERS GENERALLY

71590. A district may exercise the powers which are expressly granted by this division or are necessarily implied.

71591. A district may:

(a) Have perpetual succession.

(b) Adopt a seal and alter it at pleasure.

71592. A district may make contracts, employ labor, and do all acts necessary for the full exercise of its powers.

71593. A district may provide by ordinance for the pensioning of officers or employees, for the terms and conditions under which such pensions shall be awarded, and for the time and extent of service of officers or employees before such pensions shall be available to them.

71594. A district may, in the ordinance providing for the pensioning of officers and employees, create a special fund for the purpose of paying such pensions and provide for the accumulation of contributions to this fund from revenues of the district, wages of officers or employees, voluntary contributions, gifts, donations, or any source of revenue not inconsistent with the general powers of the board.

71595. A district may contract with any insurance corporation or any other insurance carrier for the maintenance of a service covering the pension of the district officers or employees.

71596. A district may disseminate information concerning the rights, properties, and activities of the district.

CHAPTER 2. WATER

Article 1. Development and Sale

71610. A district may acquire, control, distribute, store, spread, sink, treat, purify, reclaim, recapture, and salvage

any water, including sewage and storm waters, for the beneficial use or uses of the district, its inhabitants, or the owners of rights to water in the district.

71611. A district may sell water under its control, without preference, to cities, other public corporations and agencies, and persons, within the district for use within the district.

71612. Whenever the board finds that there is a surplus of water above that which may be required by consumers within the district, the district may sell or otherwise dispose of such surplus water to any persons, public corporations or agencies, or other consumers.

71613. A district may supply and deliver water to publicly owned and operated golf courses and other publicly owned and operated recreational facilities and to public schools, school districts, and public school properties, and may fix and establish special rates, terms, and conditions for the use and sale of water for each of these purposes. This section shall not be construed to indicate legislative intent either for or against the existence of any power of the district to furnish water to other persons at just and reasonable rates.

71614. A district may fix the rates at which water shall be sold. Different rates may be established for different classes or conditions of service, but rates shall be uniform throughout the district for like classes and conditions of service.

71615. Any special water rate fixed in accordance with the terms and conditions of an annexation shall be deemed to be a rate for a different class or condition of service.

71616. A district, so far as practicable, shall fix such rates for water in the district, and in each improvement district therein, as will result in revenues which will:

(a) Pay the operating expenses of the district and the improvement district.

(b) Provide for repairs and depreciation of works.

(c) Provide a reasonable surplus for improvements, extensions, and enlargements.

(d) Pay the interest on any bonded debt.

(e) Provide a sinking or other fund for the payment of the principal of such bonded debt as it becomes due.

71617. The rates for water in each improvement district may vary from the rates of the district and from other improvement districts therein.

Article 2. Standby Charge in Improvement Districts

71630. The district, by ordinance, may fix, on or before the first day of July in each calendar year, a water standby or availability charge in any improvement district to which water is made available by the district, whether the water is actually used or not.

71631. The standby charge shall not exceed five dollars ($5) per acre per year for each acre of land within the im-

provement district or three dollars ($3) per year for a parcel less than one acre.

71632. The ordinance fixing a standby charge shall be adopted by the board only after adoption of a resolution setting forth the particular schedule or schedules of charges proposed to be established by ordinance and after notice and hearing in the manner prescribed in Chapter 5 (commencing with Section 72370) of Part 10 of this division.

71633. The ordinance fixing a standby charge may establish schedules varying the charges according to land uses, water uses, and degree of water availability.

71634. If any standby charge remains unpaid on the first day of the month before the month in which the board of supervisors of each affected county is required by law to levy the amount of taxes required for county purposes, the amount of the unpaid standby charge shall be added to and become part of the annual tax levied upon the land to which water for which the standby charge is unpaid was available The amount of the unpaid standby charge shall constitute a lien on that land, and shall be added to and become a part of the first installment of the tax.

71635. At least 15 days before the first day of the month in which the board of supervisors of each affected county is required by law to levy the amount of taxes required for county purposes, the board shall furnish in writing to the board of supervisors and the county auditor of each affected county a description of each parcel of land within the district upon which a standby charge remains unpaid, together with the amount of the unpaid standby charge on each such parcel of land.

Article 3. Water Shortages

71640. A district may restrict the use of district water during any emergency caused by drought, or other threatened or existing water shortage, and may prohibit the wastage of district water or the use of district water during such periods for any purpose other than household uses or such other restricted uses as the district determines to be necessary A district may also prohibit use of district water during such periods for specific uses which it finds to be nonessential.

71641. A district may prescribe and define by ordinance the restrictions, prohibitions, and exclusions referred to in Section 71640. Such an ordinance is effective upon adoption; but, within 10 days after its adoption, the ordinance shall be published pursuant to Section 6061 of the Government Code in full in a newspaper of general circulation which is printed, published, and circulated in the district. If there is no such newspaper the ordinance shall be posted within 10 days after its adoption in three public places within the district.

71642 A finding by the board upon the existence, threat, or duration of an emergency or shortage, or upon the matter of necessity or of any other matter or condition referred to

in Section 71640, shall be made by resolution or ordinance. The finding is prima facie evidence of the fact or matter so found, and such fact or matter shall be presumed to continue unchanged unless and until a contrary finding is made by the board by resolution or ordinance.

71643. The finding made by the board pursuant to Section 71642 shall be received in evidence in any civil or criminal proceeding in which it may be offered, and shall be proof and evidence of the fact or matter found until rebutted or overcome by other sufficient evidence received in such proceeding. A copy of any resolution or ordinance setting forth such finding shall, when certified by the secretary of the district, be evidence that the finding was made by the district as shown by the resolution or ordinance and certification.

71644. From and after the publication or posting of any ordinance pursuant to Section 71641, and until the ordinance has been repealed or the emergency or threatened emergency has ceased, it is a misdemeanor for any person to use or apply water received from the district contrary to or in violation of any restriction or prohibition specified in the ordinance. Upon conviction thereof such person shall be punished by imprisonment in the county jail for not more than 30 days, or by fine not exceeding three hundred dollars ($300), or by both.

CHAPTER 3. OTHER FUNCTIONS

Article 1. Recreation

71660. A district may construct, maintain, improve, and operate public recreational facilities appurtenant to any water reservoir operated or contracted to be operated by the district. It may by ordinance provide regulations binding upon all persons to govern the use of such facilities, including regulations imposing reasonable charges for the use thereof. Violation of any such regulation is a misdemeanor.

Article 2. Sewage, Waste, and Storm Water Disposal

71670. A district may acquire, construct, and operate facilities for the collection, treatment, and disposal of sewage, waste, and storm water of the district and its inhabitants. It may prescribe, revise, and collect rates or other charges for the services and facilities furnished pursuant to this article.

71671. The revenues from the rates and charges for services and facilities furnished pursuant to this article may be used for the following purposes:

(a) To pay the operating and maintenance expenses of the facilities.

(b) To provide a reasonable surplus for improvements, extensions, and enlargements.

(c) To pay the interest on any bonded debt for the facilities.

(d) To provide a sinking or other fund for the payment of the principal of such bonded debt as it becomes due.

71672. The district may provide that the rates and charges for services and facilities furnished pursuant to this article may be collected with the water rates of the district, that all rates shall be billed upon the same bill and collected as one item, and that in the event of failure to pay the whole or any part of the bill, the district may discontinue any or all service for which the bill is rendered. This section shall not be construed to prohibit the collection of rates or charges by the district in any other lawful manner.

71673. Section 71033 does not apply to this article.

Article 3. Fire Protection

71680. A district may acquire, construct, and operate facilities for providing fire protection to the district and its inhabitants, including buildings, engines, hose, hose carts, or carriages, and other appliances and supplies for the full equipment of a fire company or department.

71681. Section 71033 does not apply to this article.

Chapter 4. Property

71690. A district may, within or without the district:

(a) Take real and personal property of every kind by grant, purchase, gift, device, or lease.

(b) Hold, use, enjoy, lease, or dispose of real and personal property of every kind.

71691. A district may:

(a) Acquire, or contract to acquire, waterworks or a waterworks system, waters, water rights, lands, rights, and privileges.

(b) Construct, maintain, and operate conduits, pipelines, reservoirs, works, machinery, and other property useful or necessary to store, convey, supply, or otherwise make use of water for a waterworks plant or system for the benefit of the district.

(c) Complete, extend, add to, repair, or otherwise improve any waterworks or waterworks system acquired by the district.

(d) Carry on and conduct waterworks or a waterworks system.

71692. A district may lease from any person, or public corporation or agency, with the privilege of purchasing or otherwise, all or any part of water storage, transportation, or distribution facilities, existing waterworks, or a waterworks system.

71693. A district may exercise the right of eminent domain and, in the manner provided by law for the condemnation of private property for public use, may take any property

necessary to supply the district or any portion thereof with water, whether such property be already devoted to the same use or otherwise, and may condemn any existing waterworks or system, or any portion thereof, or any waters or water rights owned by any person. In proceedings relative to the exercise of such right, the district shall have all of the rights, powers, and privileges of a city; provided, the district, in exercising such power, shall, in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, wires, cables, or poles of any public utility which is required to be removed to a new location.

71694. A district may exercise the right of eminent domain and, in the manner provided by law for the condemnation of private property for public use, may take any property necessary to carry out any powers of the district. In proceedings relative to the exercise of such right, the district shall have all of the rights, powers, and privileges of a city; provided, the district, in exercising such right, shall, in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, wires, cables, or poles of any public utility which is required to be removed to a new location.

A district shall not exercise the right of eminent domain, under this section, for the condemnation of property outside the boundaries of the district, unless it first obtains the consent thereto of the board of supervisors of the county in which such property is located.

71695. A district may construct works along and across any stream of water, watercourse, street, avenue, highway, canal, ditch, or flume, or across any railway which the route of the works may intersect or cross. Such works shall be constructed in such manner as to afford security for life and property, and the district shall restore the crossings and intersections to their former state as near as may be, or in a manner so as not to have impaired unnecessarily their usefulness.

71696. Every company whose right-of-way is intersected or crossed by district works shall unite with the district in forming the intersections or crossings and grant the rights therefor.

71697. The right is hereby granted to locate, construct, and maintain district works along and across any street or public highway and on any lands which are now or hereafter owned by the State; and a district has the same rights and privileges appertaining thereto as have been or may be granted to cities within the State.

71698. Any use by the district of a public highway now or hereafter constituted a state highway shall be subject to the provisions of Chapter 3 (commencing with Section 660) of Division 1 of the Streets and Highways Code.

CHAPTER 5. CONTRACTS

Article 1. Contracts With Other Agencies

71720. As used in this article:

(a) "Public agency" means and includes the United States or any department or agency thereof, the State or any department or agency thereof, and a county, city, public corporation, or public district of the State.

(b) "Private corporation" means and includes any private corporation organized under the laws of the United States or of this or any other state thereof.

71721. Contracts mentioned in this article include those made with the United States under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof or supplementary thereto, or any other act of Congress heretofore or hereafter enacted permitting co-operation.

71722. A district may join with one or more public agencies, private corporations, or other persons for the purpose of carrying out any of the powers of the district, and for that purpose may contract with such other public agencies, private corporations, or persons to finance acquisitions, constructions and operations.

71723. The contracts with other public agencies, private corporations, or persons may provide for contributions to be made by each party thereto, for the division and apportionment of the expenses of the acquisitions and operations, and for the division and apportionment of the benefits, the services, and products therefrom. Such contracts may also provide for an agency to effect the acquisitions and to carry on the operations, and shall provide in the powers and methods of procedure for such agency the method by which the agency may contract. Such contracts may contain such other and further covenants and agreements as may be necessary or convenient to accomplish the purposes thereof.

71724. Any such contract with the United States or any department or agency thereof, or with any private corporation organized under the laws of the United States, by which the district or an improvement district thereof incurs an indebtedness or liability exceeding in any year the income and revenue for such year, shall not be executed without the assent of two-thirds of the qualified electors of the district or the improvement district voting at a special election to be held for that purpose. Such election shall be called and held, so far as practicable, in the same manner as bond elections for the district or an improvement district.

71725. The exact final form of a proposed contract required to be approved by the voters of the district or an improvement district need not be available at the time of the special election, but the purpose of the contract, the maximum amount of the indebtedness created thereby, the maximum term of repayment, and the maximum interest rate on

such indebtedness shall be known and included in the proposition or measure submitted to the voters of the district or the improvement district at the special election.

Article 2. Letting of Contracts

71740. A district may prescribe methods for the construction of works and for the letting of contracts for any of the following purposes:

(a) The construction of works, structures or equipment.

(b) The performance or furnishing of labor, materials, or supplies, necessary or convenient for carrying out any of the purposes of this division.

(c) The acquisition or disposal of any real or personal property.

71741. When work is not to be done by the district itself by force account, and the amount involved is ten thousand dollars ($10,000), or more, any contract for the doing of such work shall be let to the lowest responsible bidder, after publication, in the manner prescribed by the board, of notices inviting bids therefor. However, the board may reject any and all proposals.

71742. Notwithstanding Section 71741, contracts, in writing or otherwise, for the acquisition or disposal of any real or personal property may be let without calling for competitive bids.

71743. The board may, from time to time, establish the manner of calling for bids and letting contracts, but except as such procedure so established by the board otherwise requires, all contracts may be entered into upon such terms and in such manner as the board may authorize.

Chapter 6. Controversies

71750. A district may sue and be sued, except as otherwise provided in this division or by law, in all actions and proceedings in all courts and tribunals of competent jurisdiction.

71751. A district may commence, maintain, intervene in, and compromise, in the name of the district, any action or proceeding involving or affecting the ownership or use of water or water rights within the district, used or useful for any purpose of the district, or a common benefit to lands within the district or inhabitants of the district.

71752. An action to determine the validity of any contract authorized by Article 1 (commencing with Section 71720) of Chapter 5 of this part may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

71753. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except

as provided therein, or by other statutes or regulations expressly applicable to the district.

71754 No director or other officer, agent, or employee of a district shall be liable for any act or omission of any officer, agent or employee appointed or employed by him unless he had actual notice that the person appointed or employed was inefficient or incompetent to perform the service for which such person was appointed or employed or unless he retains the inefficient or incompetent person after notice of the inefficiency or incompetency.

71755. The district may employ counsel to defend any litigation brought against any director or other officer, agent, or employee of the district on account of his official action, and the fees and expenses involved therein shall be a lawful charge against the district

71756. If any director or other officer, agent, or employee of the district is held liable for any act or omission in his official capacity, and any judgment is rendered thereon, the district, except in case of his actual fraud or actual malice, shall pay the judgment without obligation for repayment by such director or other officer, agent, or employee.

PART 6. FINANCIAL PROVISIONS

CHAPTER 1. WARRANTS

71800. A district may issue warrants to pay the formation expenses of the district. The warrants may bear interest at a rate not exceeding 6 percent per year from the date of issue until funds are available to pay the warrants.

71801. Formation expenses may include the fees of attorneys and others employed to conduct the formation proceedings, but shall not include the expenses of holding and conducting the formation election.

CHAPTER 2. PROMISSORY NOTES

71810. A district may issue negotiable promissory notes pursuant to Sections 71811 and 71812 Such promissory notes shall bear interest at a rate not exceeding 6 percent per year. They shall be general obligations of the district payable from revenues and taxes in the same manner as bonds of the district.

71811. A district may issue negotiable promissory notes pursuant to this section to acquire funds for any district purposes The maturity of such promissory notes shall not be later than three years from the date thereof. The total aggregate amount of such notes outstanding at any one time may be at least equal to seventy-five thousand dollars ($75,000) in any district but shall not exceed the lesser of either one million dollars ($1,000,000) or 2 percent of the assessed valuation of the taxable property in the district or, if the assessed valuation is not obtainable, 2 percent of the county auditor's estimate of

the assessed valuation of the taxable property in the district evidenced by his certificate.

71812. A district may issue negotiable promissory notes pursuant to this section for the purpose of acquiring funds to finance the construction or acquisition of administrative offices, construction headquarters, commercial offices, or facilities for similar district purposes and for the acquisition of land for district purposes. The maturity of such promissory notes shall not be later than 10 years from the date thereof. The total aggregate amount of such notes outstanding at any one time may be at least equal to fifty thousand dollars ($50,000) in any district, but shall not exceed the lesser of either five hundred thousand dollars ($500,000) or 1 percent of the assessed valuation of the taxable property in the district, or, if the assessed valuation is not obtainable, 1 percent of the county auditor's estimate of the assessed valuation of the taxable property in the district evidenced by his certificate.

CHAPTER 3. IMPROVEMENT ACT OF 1911

71820. A district may use the Improvement Act of 1911 for the construction of any facilities authorized to be constructed by a district under the provisions of this division.

71821. The powers and duties conferred by the Improvement Act of 1911 on the various boards, officers, and agents of cities shall be exercised by the corresponding boards, officers, and agents of the district.

71822. In the application of the Improvement Act of 1911 to proceedings instituted by a district, the terms used in the Improvement Act of 1911 have the following meanings:

(a) "City council" or "council" means the board of directors of the district

(b) "Municipality" or "city" means the district.

(c) "Clerk" or "city clerk" means the secretary of the district.

(d) "Superintendent of streets," "street superintendent," or "city engineer" means any person appointed by the board to perform such duties.

(e) "Tax collector" means the county tax collector.

(f) "Treasurer" or "city treasurer" means the person or officer who has charge of and makes payment of the funds of the district.

(g) "Mayor" means the president of the board.

(h) "Right-of-way" means any parcel of land in, on, under, or through which a right-of-way or easement has been granted to the district for the purpose of constructing and maintaining any district works or improvements.

71823. Any certificates or documents required by the Improvement Act of 1911 to be filed or recorded in the office of the superintendent of streets or street superintendent shall be filed or recorded in the office of the secretary of the district

PART 7. BONDS

CHAPTER 1. IN GENERAL

71850. A district may issue bonds, borrow money, and incur indebtedness as authorized by law or this division.

71851. A district may refund such bonds, loans, or indebtedness (by the issuance of the same obligations following the same procedure) or retire any indebtedness or lien that may exist against the district or its property.

71852 A district may issue bonds pursuant to Chapters 2 (commencing with Section 71860) and 5 (commencing with Section 71940) of this part for the purpose of providing money required to be paid to any district or authority organized under the Metropolitan Water District Act or the County Water Authority Act by the board of directors of such district or authority as all or part of the terms and conditions upon which the corporate area of the district may be annexed to the metropolitan water district or county water authority. The amount of such bonds may include the expenses of all proceedings for the authorization, issuance, and sale of the bonds.

71853. A district may issue revenue bonds for any purpose for which general obligation bonds may be issued Such revenue bonds may be issued pursuant to the Revenue Bond Law of 1941 or any other law which by its terms is applicable to districts formed under this division.

CHAPTER 2. INITIATION OF PROCEEDINGS FOR ISSUANCE OF BONDS FOR ENTIRE DISTRICT

71860. Whenever the board deems it necessary for the district to incur a bonded indebtedness for the acquisition, construction, completion, or repair of any or all improvements, works, or property mentioned in this division, the board shall, by resolution, so declare and call an election to be held in the district for the purpose of submitting to the voters thereof the proposition of incurring indebtedness by the issuance of bonds of the district

71861. The resolution calling the bond election shall state all of the following:

(a) The purpose for which the proposed debt is to be incurred, which may include expenses of all proceedings for the authorization, issuance, and sale of the bonds.

(b) The amount of debt to be incurred.

(c) The maximum term the bonds proposed to be issued shall run before maturity, which shall not exceed 40 years.

(d) The maximum rate of interest to be paid, which shall not exceed 5 percent per year, payable semiannually, except that interest for the first year may be payable at the end of that year.

(e) The measure to be submitted to the voters.

(f) The date upon which an election shall be held for the purpose of authorizing the bonded indebtedness to be incurred.

(g) The designation of precincts, the location of polling places, and the names of the officers selected to conduct the election, who shall consist of one judge, one inspector, and two clerks in each precinct.

CHAPTER 3. FORMATION OF IMPROVEMENT DISTRICTS FOR ISSUANCE OF BONDS

Article 1. Initiation of Proceedings

71870 Whenever the board deems it necessary to incur a bonded indebtedness for the acquisition, construction, completion, or repair of any or all improvements, works, or property mentioned in this division and to provide for such bonded indebtedness to be payable from taxes levied upon less than all of the district, the board shall, by resolution, declare its intention to form an improvement district and to incur such indebtedness.

71871. The resolution of intention shall state that the board intends to form an improvement district of a portion of the district which in the opinion of the board will be benefited, and to call an election in such proposed improvement district, on a date to be fixed, for the purpose of submitting to the voters thereof the proposition of incurring indebtedness by the issuance of bonds of the district for such improvement district.

71872. The resolution of intention shall also state:

(a) The purpose for which the proposed debt is to be incurred

(b) The amount of debt to be incurred, which may include expenses of all proceedings for the authorization, issuance, and sale of the bonds.

(c) That taxes for the payment of the bonds and the interest thereon will be levied exclusively upon the taxable property in the improvement district.

71873. The resolution of intention shall also state that a general description of the proposed improvement, together with a map showing the exterior boundaries of the proposed improvement district with relation to the territory immediately contiguous thereto and to the proposed improvement is on file with the secretary and is available for inspection by any person or persons interested. This map shall govern for all details as to the extent of the proposed improvement district.

71874 The resolution of intention shall also state:

(a) The time and place for a hearing by the board on the questions of the formation and extent of the proposed improvement district, the proposed improvement, and the amount of debt to be incurred.

(b) That at the time and place specified in the resolution any person interested, including all persons owning property

in the district or in the proposed improvement district, will be heard.

71875. Notice of the hearing shall be given by publishing a copy of the resolution of intention pursuant to Section 6066 of the Government Code prior to the time fixed for the hearing in a newspaper printed and published in the district, if there is a newspaper printed and published in the district. Such notice shall also be given by posting a copy of the resolution of intention in six public places within the proposed improvement district at least two weeks before the time fixed for the hearing.

Article 2. Hearing and Changes

71880. At the time and place fixed in the resolution of intention, or at any time and place to which the hearing is adjourned, the board shall proceed with the hearing. At the hearing any person interested, including any person owning property within the district or within the proposed improvement district, may appear and present any matters material to the questions set forth in the resolution of intention.

71881. The board may change the purpose for which the proposed debt is to be incurred or the amount of bonded debt to be incurred, or both. The board may also change the boundaries of the proposed improvement district, but not so as to include any territory which will not, in its judgment, be benefited by the proposed improvement.

71882. The purpose or amount of bonded debt or the boundaries of the proposed improvement district shall not be changed by the board except after notice of its intention to do so, given by publication pursuant to Section 6061 of the Government Code in a newspaper printed and published in the district, if there is a newspaper printed and published in the district, and by posting in six public places within the proposed improvement district. The notice shall state the changed purpose and debt proposed and that the exterior boundaries as proposed to be changed are set forth on a map on file with the secretary which map shall govern for all details as to the extent of the proposed improvement district, and shall specify the time and place for hearing on such change, which time shall be at least 10 days after publication or posting of the notice.

71883. At the time and place fixed in the notice of intention, or at any time and place to which the hearing is adjourned, the board shall proceed with the hearing. At the hearing any person interested, including any person owning property within the district or the proposed improvement district, may appear and present any matters material to the changes stated in the notice.

Article 3. Formation

71890. At the conclusion of the hearing, the board shall by resolution determine whether it is deemed necessary to incur the bonded indebtedness If so, the resolution shall also state:

(a) The purpose for which the proposed debt is to be incurred.

(b) The amount of the proposed debt.

(c) That the exterior boundaries of the portion of the district which will be benefited are set forth on a map on file with the secretary, which map shall govern for all details as to the extent of the improvement district.

(d) That such portion of the district set forth on the map shall thereupon constitute and be known as "Improvement District No. _____ of _____ Municipal Water District."

71891. The determinations made in the resolution of formation shall be final and conclusive.

71892. After the formation of the improvement district pursuant to this chapter, all proceedings for the purpose of a bond election shall be limited, and shall apply only, to the improvement district, and taxes for the payment of the bonds and the interest thereon shall be levied exclusively upon the taxable property in the improvement district.

Article 4. Calling of Bond Election

71900. After the Board has made its determination of the matters required to be determined by the resolution of formation, and if the board deems it necessary to incur the bonded indebtedness, the board shall by a further resolution call a special election in the improvement district for the purpose of submitting to the voters thereof the proposition of incurring indebtedness by the issuance of bonds of the district for the improvement district.

71901. The resolution calling the bond election shall contain all of the statements required by Section 71861 and, in addition, shall state:

(a) That the board deems it necessary to incur the bonded indebtedness.

(b) The improvement district to be benefited by the bonded indebtedness, as set forth in the resolution of formation of the improvement district, and that a map showing the exterior boundaries of the improvement district is on file with the secretary, which map shall govern for all details as to the extent of the improvement district.

(c) That taxes for the payment of such bonds and the interest thereon shall be levied exclusively upon the taxable property in the improvement district.

Article 5. Advance of Funds

71910. The board may advance general funds of the district to accomplish the purposes of an improvement district formed pursuant to this chapter.

71911. The board may repay the district for any advance of funds from the proceeds of the sale of bonds authorized for the purposes of the improvement district.

Chapter 4. Formation of Uninhabited Improvement Districts for Issuance of Bonds

Article 1. Initiation of Proceedings

71920. Whenever the board deems it necessary to incur a bonded indebtedness for the acquisition, construction, completion, or repair of any or all improvements, works, or property mentioned in this division and to provide for such bonded indebtedness to be payable from taxes levied upon an uninhabited portion of the district, the board shall, by resolution, declare its intention to form an uninhabited improvement district in such portion of the district and to incur such indebtedness.

71921. For the purposes of this chapter the portion of a district formed into an uninhabited improvement district shall be deemed uninhabited if less than 12 voters reside therein at the time of the formation thereof.

71922. The resolution of intention shall state that the board intends to form an improvement district of an uninhabited portion of the district which in the opinion of the board will be benefited, and to incur indebtedness by the issuance of bonds of the district for such uninhabited improvement district.

71923. The resolution of intention shall also state:

(a) The purpose for which the proposed debt is to be incurred.

(b) The amount of debt to be incurred, which may include expenses of all proceedings for the authorization, issuance, and sale of the bonds.

(c) That taxes for the payment of the bonds and the interest thereon will be levied exclusively upon the taxable property in the uninhabited improvement district

71924. The resolution of intention shall also state that a general description of the proposed improvement, together with a map showing the exterior boundaries of the proposed uninhabited improvement district with relation to the territory immediately contiguous thereto and to the proposed improvement is on file with the secretary and is available for inspection by any person or persons interested. This map shall govern for all details as to the extent of the proposed uninhabited improvement district.

71925. The resolution of intention shall also state:

(a) The time and place for a hearing by the board on the questions of the formation and extent of the proposed uninhabited improvement district, the proposed improvement, and the amount of debt to be incurred.

(b) That at the time and place specified in the resolution any person interested will be heard, and that any owner of property within the proposed uninhabited improvement district may file with the secretary at any time prior to the time set for the hearing thereon written protest to the formation of the proposed uninhabited improvement district.

71926. Notice of the hearing shall be given by publishing a copy of the resolution pursuant to Section 6066 of the Government Code prior to the time fixed for the hearing in a newspaper circulated in the district, if there is a newspaper circulated in the district. Such notice shall also be given by posting a copy of the resolution of intention in three public places within the proposed uninhabited improvement district for at least two weeks before the time fixed for the hearing.

71927. A copy of the resolution of intention shall also be mailed, postage prepaid, to each person to whom land in the proposed uninhabited improvement district is assessed as shown on the last equalized county assessment roll, at his address as shown upon the roll, and to any person, whether owner in fee or having a lien upon, or legal or equitable interest in, any land within the proposed uninhabited improvement district, whose name and address and a designation of the land in which he is interested is on file with the secretary.

Article 2. Hearing and Formation

71930. At the time and place fixed in the resolution of intention, or at any time or place to which the hearing is adjourned, the board shall proceed with the hearing. At the hearing any person interested may appear and present any matters material to the questions set forth in the resolution. Also at the hearing the board shall hear and pass upon all written protests filed by the owners of property within the proposed uninhabited improvement district.

71931. If written protests are filed by the owners of one-half of the value of the property within the proposed uninhabited improvement district, as shown by the last equalized assessment roll of the county, further proceedings shall not be taken. If such protests are not made the board shall by resolution determine whether it is necessary to incur the bonded indebtedness and if so, the resolution shall also state:

(a) The purpose for which the proposed debt is to be incurred.

(b) The amount of the proposed debt.

(c) That the exterior boundaries of the portion of the district which will be benefited are set forth on a map on file with

the secretary, which map shall govern for all details as to the extent of the uninhabited improvement district.

(d) That such portion of the district set forth on the map shall thereupon constitute and be known as "Improvement District No. U_____ of _____ Municipal Water District."

71932. The determinations made in the resolution of formation shall be final and conclusive.

71933. After the formation of the uninhabited improvement district pursuant to this chapter the board may, by resolution, at such time or times as it deems proper, issue bonds of the district, pursuant to Chapter 6 (commencing with Section 71950) of this part, for the whole or any part of the amount of the indebtedness authorized by the resolution of formation. All taxes levied for the payment of the bonds and the interest thereon shall be levied exclusively upon the taxable property in the uninhabited improvement district.

71934. Any action or proceeding in which the validity of the formation of an uninhabited improvement district or of any of the proceedings in relation thereto is contested, questioned, or denied shall be commenced within three months from the date of the resolution forming such district; otherwise the formation of the uninhabited improvement district and all proceedings in relation thereto shall be held to be valid and in every respect legal and incontestable.

CHAPTER 5. BOND ELECTION

71940. The board shall provide for holding the bond election on the day fixed in the resolution calling the election and in accordance with the provisions of the Elections Code, so far as they shall be applicable, except as otherwise provided in this division.

71941. Notice of the holding of the bond election shall be given by publishing, pursuant to Section 6066 of the Government Code, the resolution calling the election in at least one newspaper published in the district. The last publication shall be made not less than two weeks prior to the date of the proposed election. If there is no newspaper published in the district, then the resolution shall be posted in three public places in the district not less than two weeks prior to the date of the proposed election. No other notice of the election need be given.

71942. If the bond election is to be held in an improvement district, notice of the holding of such election shall be given by publishing, pursuant to Section 6066 of the Government Code, the resolution calling the election prior to the date of the proposed election in at least one newspaper printed and published in the municipal water district, if there is a newspaper printed and published in the district. Such resolution shall also be posted in three public places in the improvement district not less than two weeks prior to the date of the pro-

posed election. No other notice of the election need be given.

71943. The returns of the bond election shall be made, the votes canvassed by the board within seven days following the election, and the results thereof ascertained and declared in accordance with the provisions of the Elections Code, so far as they may be applicable, except as otherwise provided in this division.

71944. The secretary, as soon as the result of the bond election is declared, shall enter in the records of the board a statement of such results.

71945. No irregularities or informalities in conducting the bond election shall invalidate it, if the election has otherwise been fairly conducted.

71946. Any action or proceeding in which the validity of any bonds or of the proceedings in relation thereto (including the formation of an improvement district for which bonds are authorized to be issued by the voters thereof at a bond election) is contested, questioned, or denied shall be commenced within three months from the date of the bond election; otherwise the bonds and all proceedings in relation thereto (including the formation of the improvement district) shall be held to be valid and in every respect legal and incontestable.

CHAPTER 6. ISSUANCE AND SALE OF BONDS

Article 1. Issuance and Terms

71950. If from the bond election returns it appears that more than two-thirds of the votes cast in such election were in favor of and assented to the incurring of the indebtedness, the board may, by resolution, at such time or times as it deems proper, issue bonds of the district for the whole or any part of the amount of the indebtedness so authorized, and may from time to time provide for the issuance of such amounts as the necessity thereof may appear, until the full amount of such bonds authorized has been issued.

71951. The full amount of the authorized bonds may be divided into two or more series and different dates fixed for the bonds of each series The maximum term which the bonds of any series shall run before maturity shall not exceed 40 years from the date of the series

71952. The board shall, by resolution, prescribe the form of the bonds and of the coupons attached thereto and fix the time when the whole or any part of the principal shall become due and payable. The payment of the first installment of principal may be deferred for a period of not more than five years from the date of the bonds or the date of the bonds of each series respectively.

71953. The bonds shall bear interest at a rate or rates not to exceed 5 percent per year, payable semiannually, except that interest for the first year may be payable at the end of that year.

71954 The board may provide for the call and redemption of bonds prior to maturity at such times and prices and upon such other terms as it may specify. A bond shall not be subject to call or redemption prior to maturity unless it contains a recital to that effect or unless a statement to that effect is printed thereon.

71955. The denomination of the bonds shall be stated in the resolution providing for their issuance but shall not be less than one hundred dollars ($100).

71956. The principal and interest on the bonds shall be payable in lawful money of the United States at the office of the treasurer of the district or such other place or places as may be designated, or at either place or places at the option of the holder of the bond

71957 The bonds shall be dated, numbered consecutively, signed by the president and treasurer of the district, countersigned by the secretary, and the official seal of the district attached The interest coupons of the bonds shall be signed by the treasurer of the district. All such signatures and countersignatures may be printed, lithographed, or mechanically reproduced, except that one of the signatures or countersignatures to the bonds shall be manually affixed.

71958. If the bond election proceedings have been limited to and have applied only to an improvement district, the bonds are bonds of the district, shall be issued in the name of the district, and shall be designated "Bonds of _____ Municipal Water District for Improvement District No. _____." Each bond and all interest coupons thereof shall state that taxes levied for the payment thereof will be levied exclusively upon the taxable property in the improvement district.

71959. Any bonds issued by a district have the same force, value, and use as bonds issued by a city and are exempt from all taxation within the State.

Article 2. Sale of Bonds and Use of Proceeds

71970 Before selling the bonds, or any part thereof, the board shall give notice inviting sealed bids in such manner as it may prescribe If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder If no bids are received, or if the board determines that the bids received are not satisfactory as to price or responsibility of the bidders, it may reject all bids received, if any, and either readvertise or sell the bonds at private sale.

71971. The proceeds from the sale of bonds shall be paid into the treasury of the district, placed to the credit of a special improvement fund, and expended only for the purpose for which the indebtedness was created. When such purpose has been accomplished, any moneys remaining in the special improvement fund may be transferred to the fund to be used for the payment of principal of and interest on the bonds.

71972. Any moneys remaining in the special improvement fund from the sale of bonds of the district after the purpose for which the indebtedness was created has been accomplished may also be used for any other municipal water district purpose. Such moneys remaining from the sale of bonds of the district for an improvement district therein may also be used for any purpose which will benefit the property in the improvement district.

Such moneys may not be used for such other municipal water district purpose or improvement district purpose until two-thirds of the qualified voters of the district or improvement district have consented thereto at a special election called in the district or improvement district by the board. Notice of the election shall be given in the manner provided for bond elections in the district or improvement district, as the case may be, and in other respects the election shall be conducted as are other district elections.

71973. Interest on any bonds issued by the district coming due before the proceeds of a tax levied at the next general tax levy after the sale of the bonds are available may be paid from the proceeds of the sale of the bonds; but not more than 5 percent of the proceeds of any sale of bonds shall be used for this purpose.

71974. The proceeds from the sale of bonds of the district issued for an improvement district thereof may be expended for the purpose for which the indebtedness was created in any territory annexed to the improvement district after the authorization of the bonds.

PART 8. FORMATION OF IMPROVEMENT DISTRICTS FOR PURPOSES OTHER THAN ISSUANCE OF BONDS

CHAPTER 1. INITIATION OF PROCEEDINGS

72000. Whenever the board deems it necessary to form an improvement district of a portion of the district for a purpose other than the incurring of bonded indebtedness, the board shall by resolution declare that it intends to form an improvement district of a portion of the district which in its opinion will be benefited.

72001. The resolution of intention shall also state:

(a) The purpose for which the proposed improvement district is to be formed.

(b) The estimated expense of carrying out such purpose.

(c) That taxes for carrying out such purpose will be levied exclusively upon the taxable property in the proposed improvement district.

72002. The resolution of intention shall also state that a map showing the exterior boundaries of the proposed improvement district, with relation to the territory immediately contiguous thereto, is on file with the secretary and is available

for inspection by any person or persons interested. This map shall govern for all details as to the extent of the proposed improvement district.

72003. The resolution of intention shall also state:

(a) The time and place for a hearing by the board on the questions of the formation and extent of the proposed improvement district, the purpose for which it is to be formed, and the estimated expense of carrying out such purpose.

(b) That at such time and place any person interested, including all persons owning property in the district or in the proposed improvement district, will be heard.

72004. Notice of the hearing shall be given by publishing a copy of the resolution of intention, pursuant to Section 6066 of the Government Code, prior to the time fixed for the hearing in a newspaper circulated in the municipal water district, if there is a newspaper circulated in the district. Such notice shall also be given by posting a copy of the resolution of intention, in three public places within the proposed improvement district for at least two weeks before the time fixed for the hearing.

CHAPTER 2. HEARING AND ADOPTION OF RESOLUTION OF FORMATION

72010. At the time and place so fixed in the resolution of intention, or at any time or place to which the hearing is adjourned, the board shall proceed with the hearing. At the hearing any person interested, including any person owning property in the district, or in the proposed improvement district, may appear and present any matters material to the questions set forth in the resolution of intention.

72011. At the conclusion of the hearing, the board shall by resolution determine whether it is necessary to form the improvement district. If so, the resolution shall also state:

(a) The purpose for which the proposed improvement district is to be formed.

(b) The estimated expense of carrying out such purpose.

(c) That the exterior boundaries of the portion of the district which will be benefited are set forth on a map on file with the secretary, which map shall govern for all details as to the extent of the improvement district.

(d) That such portion of the district set forth on the map, shall thereupon constitute and be known as "Improvement District (A, B, C, or other letter designation)_____ of _____Municipal Water District."

72012. The determinations made in the resolution of formation shall be final and conclusive.

72013. After the formation of the improvement district pursuant to this part, all taxes levied for the carrying out of its purpose shall be levied exclusively upon the taxable property in the improvement district.

72014. A copy of the resolution of formation shall be published pursuant to Section 6066 of the Government Code in a newspaper printed and published in the district, if there is a newspaper printed and published in the district. A copy of the resolution shall also be posted in three public places within the proposed improvement district for at least two weeks.

The resolution of formation shall not be effective until the 31st day after completion of the publication and posting.

CHAPTER 3. FORMATION ELECTION

72020. If a petition signed by not less than 10 percent of the voters of the proposed improvement district requesting that an election be held on the formation thereof is presented to the board before the effective date of the resolution of formation, the board shall by resolution call a special election in the proposed improvement district for the purpose of submitting the question of the formation of the improvement district to the voters of the proposed improvement district.

72021. The board shall provide for holding the special election on the day fixed in the resolution calling the election and in accordance with the provisions of the Elections Code so far as they shall be applicable, except as otherwise provided in this division.

72022. Notice of the holding of the special election shall be given by publishing the resolution calling the election, pursuant to Section 6066 of the Government Code, prior to the date of the proposed election in at least one newspaper printed and published in the municipal water district, if there is a newspaper printed and published in the district. The resolution shall also be posted in three public places in the proposed improvement district not less than two weeks prior to the date of the proposed election. No other notice of the election need be given.

72023. The returns of the special election shall be made, the votes canvassed by the board within seven days following the election, and the results thereof ascertained and declared in accordance with the provisions of the Elections Code, so far as they may be applicable, except as otherwise provided in this division.

72024. The secretary, as soon as the result of the special election is declared, shall enter in the records of the board a statement of such results.

72025. If from the special election returns it appears that a majority of the votes cast at such election were in favor of the formation of the improvement district, the formation of the improvement district shall be complete.

72026. No irregularities or informalities in conducting the special election shall invalidate it, if the election has otherwise been fairly conducted.

72027. Any action or proceeding in which the validity of the formation of the improvement district or of any of the pro-

ceedings in relation thereto is contested, questioned, or denied shall be commenced within three months from the effective date of the resolution of formation, or, if an election is held, within three months from the date of such election; otherwise the formation of the improvement district and all proceedings in relation thereto shall be held to be valid and in every respect legal and incontestable.

CHAPTER 4. ADVANCE OF FUNDS

72030. The board may advance general funds of the district to accomplish the purposes of an improvement district formed pursuant to this part.

72031. The board may, in the formation of the improvement district, provide that the district shall be repaid for any advance of funds, with interest at not to exceed 5 percent per year, from the taxes levied exclusively upon the taxable property in the improvement district.

PART 9. TAXES

CHAPTER 1. TAXES GENERALLY

72090. A district may cause taxes to be levied, in the manner provided in this part, for the purpose of paying any obligation of the district, including its formation expenses and any warrants issued therefor.

72091. If the revenues of the district, or of any improvement district therein, are or in the judgment of the board will probably be inadequate for any cause to pay the principal of or interest on any bonded debt of the district, or any improvement district thereof, as it becomes due and also the amounts set forth in Section 71616, the board shall cause a tax to be levied, as provided in this part, sufficient to provide for such deficit and to pay the amount of such principal and interest that will become due before the proceeds of a tax levied at the next general tax levy will be available.

72092 If, in the opinion of the board of a municipal water district, the corporate area of which has been included in or annexed to a metropolitan water district as a unit, the revenues of the municipal water district will be inadequate for any cause to pay the operating expense of such district, to provide for repairs and depreciation of works owned or operated by it, and to meet all of its obligations the board shall provide for the levy and collection of a tax, in the manner provided in this part, sufficient to raise the amount of money determined by the board to be necessary for the purpose of paying the operating expenses of such district, providing for repairs and depreciation of works owned or operated by it, and meeting all of its obligations.

72093. The board shall determine the amounts necessary to be raised by taxation during the fiscal year and shall fix the rate or rates of tax to be levied which will raise the amounts of money required by the district.

72094. Within a reasonable time before the time when the board of supervisors is required by law to fix its tax rate, the board shall certify to the board of supervisors the tax rate or rates fixed for the district and shall furnish to the board of supervisors a statement in writing containing the following:

(a) An estimate of the minimum amount of money required to be raised by taxation during the fiscal year for the payment of the principal of and interest on any bonded debt of the district, or of an improvement district therein, that will become due before the proceeds of a tax levied at the next general tax levy will be available.

(b) An estimate of the minimum amount of money required to be raised by taxation during the fiscal year for all other purposes of the district.

72095. The board shall direct that, at the time and in the manner required by law for the levying of taxes for county purposes the board of supervisors shall levy, in addition to any other tax it levies, a tax upon the property within the district, or improvement district therein benefited by the bonded debt, as the case may be, at the rate or rates fixed by the board. The officer or body having authority to levy taxes within each county shall levy the tax so required.

72096. Taxes for the payment of the interest on or principal of any bonded debt shall be levied on the property within the district, or improvement district therein, that is benefited by the bonded debt, as determined by the board in the resolution declaring the necessity to incur the debt. Taxes for other purposes of the district shall be levied on all property in the district or portion thereof subject to the particular tax.

72097. All county officers charged with the duty of collecting taxes shall collect district taxes at the same time and in the same form and manner as county taxes are collected, and shall pay the collected district taxes to the district.

72098. Taxes for the payment of a bonded debt and the interest thereon shall be a lien on all the property benefited thereby as stated in the resolution of the board declaring the necessity to incur the debt. All taxes for other purposes of the district shall be a lien on all the property in the district subject to the particular tax.

72099. Liens for district taxes, whether for payment of a bonded indebtedness and the interest thereon or for other purposes, shall be of the same force and effect as other liens for taxes, and their collection may be enforced by the same means as provided for the enforcement of liens for state and county taxes.

CHAPTER 2. APPORTIONMENT OF TAXES IN MULTICOUNTY DISTRICTS AND IMPROVEMENT DISTRICTS

72110. If a district contains lands situated in more than one county, the duties imposed upon the board of supervisors and county officers by Chapter 1 (commencing with Section 72090) of this part shall be performed by the board of supervisors and county officers of each affected county.

72111. In a district containing lands situated in more than one county, the auditor of each affected county shall immediately after equalization and not later than the 15th day of August of each year, prepare and deliver to the secretary of the district, or such other officer thereof as may be designated by the board, a certificate showing the assessed valuation of all property within the district lying within the county. Thereafter, the board shall make the certification and statement, and issue the directions, as required by Sections 72094 and 72095. After collection of taxes by the proper county officers at the rate specified, such officers shall pay the moneys received therefrom to the district.

72112. Whenever an improvement district within a municipal water district is itself located in two or more counties, the method and procedure for the apportionment of district taxes between counties shall apply to such improvement district.

PART 10. CHANGES IN ORGANIZATION

CHAPTER 1. EXCLUSION

Article 1. In General

72150. Territory included within a district may be excluded from the district. When any part of the corporate area of a city is included in the territory proposed to be excluded from the district, the entire corporate area of the city, or part thereof, then included within the district shall be included in the territory proposed to be excluded from the district.

72151. The territory proposed to be excluded may consist of one or more parcels which need not be contiguous to each other and may consist of parcels situated in more than one county if the district contains such parcels.

Article 2. Initiation by Petition

72160. Proceedings for the exclusion of territory may be initiated by petition. The petition may consist of any number of separate instruments and shall be filed with the secretary.

72161. The petition for exclusion shall be signed by voters residing within the area proposed to be excluded equal in number to at least 10 percent of the number of such voters voting for all candidates for the office of Governor at the last preceding gubernatorial election. If one or more cities, or

parts thereof, are included in the area proposed to be excluded, the petition shall, in addition, be signed by at least 10 percent of the voters of each such city, or part thereof, so voting at such election.

72162. Petition for exclusion shall set forth and describe the boundaries of the area proposed to be excluded, shall state the reason for proposing such exclusion, and shall contain a prayer that such area be excluded from the district.

72163. Within 10 days of the date of the filing of the petition for exclusion, the secretary shall examine the petition and determine whether it is signed by the requisite number of voters. Upon request of the secretary, the board shall authorize him to employ persons specially for this purpose, in addition to the persons regularly employed in his office, and shall provide for their compensation.

72164. When the secretary has completed his examination of the petition for exclusion, he shall attach to it his certificate, properly dated, showing the result of such examination.

72165. If the secretary finds from the examination that the petition for exclusion is signed by the requisite number of voters, he shall certify that the petition is sufficient. If he finds it is not so signed, he shall certify that the petition is insufficient.

72166. If the secretary certifies in his certificate that the petition for exclusion is insufficient, he shall also certify therein the number of voters required to make the petition sufficient, and the petition may be amended by filing a supplemental petition or petitions within 10 days of the date of such certificate.

72167. Within 10 days after the filing of any supplemental petition or petitions, the secretary shall examine them and certify to the result of such examination as provided in Sections 72163 to 72165, inclusive.

72168. If any supplemental petition is filed, all the signatures on the original and supplemental petitions shall be considered in determining the number of voters signing the petition.

72169. After the time for filing supplemental petitions has expired and all supplemental petitions have been examined, if the secretary's certificate shows that the petition for exclusion is insufficient, the petition shall be filed by him with the board and kept as a public record, without prejudice to the filing of a new petition.

72170. If the secretary's certificate shows that the petition for exclusion is sufficient, the secretary shall present the petition to the board, without delay, for the purpose of determining the estimated costs and expenses of the exclusion proceedings.

72171. Upon presentation of the petition for exclusion to the board, the board shall estimate the expenses and costs incident to the exclusion proceedings, including, but not limited to, advertising, engineering, and legal expenses and costs,

and shall require the petitioners to deposit the sum so determined with the secretary The sum so determined shall not exceed five hundred dollars ($500)

72172 The petitioners shall deposit the sum determined by the board pursuant to Section 72171 within 30 days from the date of such determination. If the sum is not so deposited, no further action shall be taken on the petition.

72173. If the sum determined by the board pursuant to Section 72171 is deposited within 30 days from the date of such determination, the text of the petition for exclusion shall, without delay, be published once each week for at least two weeks in at least one, but not exceeding three, newspapers printed and published in the district, together with a notice stating the time of the meeting at which the petition will be presented for the purpose of granting or denying the petition. The last publication of the petition and notice shall be made not less than one week nor more than four weeks prior to the meeting at which the petition is to be presented to the board. If the petition is contained upon more than one instrument, only one copy of the petition need be published.

72174. No more than five of the names attached to the petition for exclusion need appear in the publication of the petition and notice, but the number of signers shall be stated.

72175. After an election for the exclusion of an area from the district is held, the sufficiency of the petition for exclusion shall not be subject to judicial review or be otherwise questioned.

Article 3. Initiation by the Board

72180. The board, by resolution, may initiate proceedings for the exclusion of territory from the district.

72181. The resolution proposing exclusion shall:

(a) Describe the boundaries of the area proposed to be excluded.

(b) State the reason for proposing the exclusion.

(c) Require all persons interested in the proposed exclusion to appear before the board and be heard as to why the area should not be excluded.

(d) Fix the time of the meeting of the board at which persons so interested will be heard.

(e) Direct the secretary to give notice of the hearing.

72182. The secretary shall cause the text of the resolution proposing exclusion and a notice of the time and place of the hearing to be published once each week for at least two weeks in at least one, but not exceeding three, newspapers printed and published in the district The last publication shall be made not less than one week nor more than four weeks prior to the time fixed for the hearing.

72183. After an election for the exclusion of an area from the district is held, the sufficiency of the resolution proposing exclusion shall not be subject to judicial review or be otherwise questioned.

Article 4. Election

72190. If the proceedings for exclusion have been initiated by petition, the petition may be granted by ordinance of the board.

72191. If the proceedings have been initiated by resolution, the board shall hear all persons interested in the proposed exclusion who appear at the hearing, which may be adjourned from time to time. At the conclusion of the hearing, the board may determine by ordinance that the area should be excluded from the district.

72192. If an ordinance granting a petition for exclusion or determining that an area should be excluded is adopted by the board, the proposition of such exclusion shall be submitted to the voters within the area proposed to be excluded at an election called by the board and held, as provided in this article, within 70 days after the effective date of such ordinance.

72193. Notice of the exclusion election shall be given once a week for three successive weeks by publication in a newspaper of general circulation published in the district. The last publication shall be not more than four weeks nor less than one week prior to the date fixed for the election.

72194. The notice of the exclusion election shall describe the boundaries of the area proposed to be excluded and shall designate such area by some appropriate name, or other words of identification, by which such area may be referred to and indicated upon the ballot to be used at the exclusion election.

72195. The proposition submitted at the exclusion election shall be stated on the ballot substantially as follows:

"Shall _____ (giving the name or other designation of the area proposed to be excluded, as stated in the notice of the election) be excluded from _____ (name of district)?"

At the right of such proposition there shall be printed the words "Yes" and "No" with voting squares.

72196. The board shall canvass the votes cast at the exclusion election and if the proposition is approved by a majority of the voters voting thereon at such election, the president and the secretary shall certify that fact to the Secretary of State and to the county recorder of each affected county.

Article 5. Certification

72200. Upon receipt of the certificate from the president and the secretary, the Secretary of State shall, within 10 days, issue his certificate reciting the passage of the ordinance and the exclusion of the area from the district.

72201. A copy of the Secretary of State's certificate shall be transmitted to and filed with the county clerk of the county in which the district is situated if the district is situated in a single county, or shall be transmitted to and filed with the

secretary if the district contains lands situated in more than one county.

72202. From and after the date of the Secretary of State's certificate, the area named therein is excluded from, and no longer forms a part of, the district.

72203. The taxable property within the excluded area shall continue to be taxable by the district for the purpose of paying the bonded or other indebtedness of the district outstanding or contracted for at the time of the exclusion and until such bonded or other indebtedness is satisfied, to the same extent that such property would be taxable for such purpose if the exclusion had not occurred.

Chapter 2. Exclusion of Uninhabited Territory

Article 1. In General

72220. Uninhabited territory included within a district may be excluded from the district pursuant to this chapter. For the purposes of this chapter territory shall be deemed uninhabited if less than 12 voters reside therein at the time of the filing of the petition for exclusion or the initiation of exclusion proceedings by resolution of the board.

72221. Incorporated territory lying within the boundaries of a city may be excluded from a district pursuant to this chapter only if the entire corporate area of the city is excluded from the district.

72222. The uninhabited territory proposed to be excluded may consist of one or more parcels which need not be contiguous to each other and may consist of parcels situated in more than one county if the district contains such parcels.

72223. Notwithstanding the eligibility of any territory for exclusion from a district pursuant to this chapter, the procedure prescribed in this chapter shall not be deemed exclusive and such territory may be excluded from the district as a separate parcel, or as part of a larger parcel, of territory excluded pursuant to Chapter 1 (commencing with Section 72150) of this part.

72224. A guardian, executor, administrator, or any person holding property in a trust capacity under appointment of court, may, when authorized by the proper court, sign any petition or protest provided for in this chapter. The court authorization may be made without notice.

Article 2. Initiation by Petition

72230. Proceedings for the exclusion of uninhabited territory from a district may be initiated by petition. The petition may consist of any number of separate instruments and shall be filed with the secretary.

72231. The petition for exclusion shall be signed by the owners of not less than one-fourth of the land in the unin-

habited territory by area and by assessed value as shown on the last equalized assessment roll of each county in which such territory is situated. The last equalized assessment roll of each such county is prima facie evidence of the ownership of the land or lands lying within the uninhabited territory proposed to be excluded.

72232. The petition for exclusion shall set forth and describe the boundaries of the area proposed to be excluded, shall state the reason for proposing such exclusion, and shall contain a prayer that such area be excluded from the district pursuant to this chapter.

72233. The secretary shall present the petition for exclusion to the board without delay, for the purpose of determining the estimated costs and expenses of the exclusion proceedings.

72234. Upon presentation of the petition to the board, the board shall estimate the expenses and costs incident to the exclusion proceedings, including, but not limited to, advertising, engineering, and legal expenses and costs, and shall require the petitioners to deposit the sum so determined with the secretary The sum so determined shall not exceed five hundred dollars ($500).

72235. The petitioners shall deposit the sum determined by the board pursuant to Section 72234 within 30 days from the date of such determination. If the sum is not so deposited, no further action shall be taken on the petition.

72236. If the sum determined by the board pursuant to Section 72234 is deposited within 30 days from the date of such determination, the secretary, without delay, shall present the petition for exclusion to the board at its next meeting. The board, without delay, shall pass a resolution giving notice of the proposed exclusion.

72237. The resolution giving notice of the proposed exclusion shall:

(a) State that the petition has been filed.

(b) Set forth and describe the boundaries of the territory proposed to be excluded.

(c) State that any owner of property within such territory may file with the secretary, at any time prior to the hour set for the hearing thereof, written protest to the exclusion of such territory.

(d) Fix the time and place of the meeting of the board at which the board will hear such protests.

Article 3. Initiation by the Board

72240. The board, by resolution, may initiate proceedings for the exclusion of uninhabited territory from the district.

72241. The resolution proposing exclusion shall:

(a) Declare that proceedings have been initiated by the board pursuant to this chapter.

(b) State the reason for proposing the exclusion.

(c) Set forth and describe the boundaries of the territory proposed to be excluded.

(d) State that any owner of property within such territory may file with the secretary, at any time prior to the hour set for the hearing thereof, written protest to the exclusion of such territory.

(e) Fix the time and place of the meeting of the board at which the board will hear such protests.

Article 4. Hearing

72250. A hearing of protests to the exclusion of uninhabited territory shall be commenced not less than 20 nor more than 40 days after the passage by the board, pursuant to Section 72236 or Section 72240, of a resolution giving notice of the proposed exclusion or a resolution proposing exclusion.

The secretary shall cause the text of the resolution to be published once each week for at least two weeks in at least one, but not exceeding three, newspapers published in the district. The last publication shall be made not less than one week nor more than four weeks prior to the time fixed for the hearing of protests.

72251. At any time prior to the hour set for the hearing of protests, any owner of property within the territory proposed to be excluded may file with the secretary written protest against the exclusion. The protest shall state the name of the owner of the property affected and the description and area of such property in general terms.

72252. At the hearing, which may be adjourned from time to time, the board shall hear and pass upon all protests filed pursuant to Section 72251. If protests are so filed by the owners of one-half of the value of the territory proposed to be excluded as shown by the last equalized assessment roll of each county in which the territory is situated, further proceedings shall not be taken.

72253. If protest is not made by the owners of one-half of the value of the territory proposed to be excluded, the board shall approve or disapprove the exclusion by ordinance. Any ordinance approving the exclusion shall set forth and describe the boundaries of the excluded territory.

72254. If the board, by ordinance, disapproves the exclusion, a new proceeding to exclude any of the same territory shall not be initiated pursuant to this chapter for a period of 12 months from the effective date of the ordinance.

Article 5. Certification

72260. When an ordinance approving the exclusion of uninhabited territory becomes effective, the president and the secretary shall file with the Secretary of State a certified copy of the ordinance.

72261. Upon receipt of the certified copy of the ordinance, the Secretary of State shall, within 10 days, issue his certificate reciting the passage of the ordinance and the exclusion of the area or areas from the district.

72262. A copy of the Secretary of State's certificate shall be transmitted to and filed with the county clerk of the county in which the district is situated if the district is situated in a single county, or shall be transmitted to and filed with the secretary if the district contains lands situated in more than one county.

72263. From and after the date of the Secretary of State's certificate, the area or areas named therein are excluded from, and no longer form a part of, the district.

72264. The taxable property within the excluded area or areas shall continue to be taxable by the district for the purpose of paying the bonded or other indebtedness of the district outstanding or contracted for at the time of the exclusion and until such bonded or other indebtedness is satisfied, to the same extent that such property would be taxable for such purpose if the exclusion had not occurred.

72265. After the date of the Secretary of State's certificate, the sufficiency of the petition for exclusion or resolution proposing exclusion shall not be subject to judicial review or be otherwise questioned.

Chapter 3. Automatic Exclusion of Cities

72280. If, prior to the effective date of the formation of a municipal water district, any territory included therein is annexed to a metropolitan water district organized under the Metropolitan Water District Act, the governing body of the municipal water district, within 90 days after the effective date of the formation of such district, may adopt an ordinance which:

(a) Recites that the territory has been annexed to the metropolitan water district.

(b) Refers to the applicable statutes and to the date and place of the filing of the certificate or certificates evidencing such annexation.

(c) Describes the territory.

(d) Determines and declares that the territory is excluded from the municipal water district.

Such ordinance shall be effective immediately upon its adoption.

72281. The board or the secretary of the municipal water district shall file a certified copy of the ordinance adopted pursuant to Section 72280 with the Secretary of State.

72282. Upon receipt of the certified copy of the ordinance, the Secretary of State shall, within 10 days, issue his certificate reciting the passage of the ordinance and the exclusion of the area from the municipal water district.

72283. A copy of the Secretary of State's certificate shall be transmitted to and filed with the county clerk of the county in which the municipal water district is situated if the district is situated in a single county, or shall be submitted to and filed with the secretary if the district contains lands situated in more than one county.

72284. From and after the date of the Secretary of State's certificate, the area described therein is excluded from, and no longer forms a part of, the municipal water district.

72285. The taxable property within the excluded area shall remain subject to any taxes theretofore levied by the municipal water district and shall continue to be taxable by the municipal water district for the purpose of paying the bonded or other indebtedness of the municipal water district, if any, outstanding or contracted for at the time of such exclusion and until such bonded or other indebtedness is satisfied, to the same extent that such property would be taxable for such purpose if the exclusion had not occurred.

CHAPTER 4. INCLUSION

Article 1. In General

72300. Any portion of a county, or any city situated within such county, or both, may be added to a district. Such portion or city need not be within a county in which the existing district is situated.

72301. The cities need not be contiguous, and the unincorporated territory may consist of one or more parcels which need not be contiguous to each other or to any such cities. The annexing area or areas need not be contiguous to the district.

Article 2. Petition

72310. Annexation proceedings shall be initiated by petition. The petition, which may consist of any number of separate instruments, shall be filed with the secretary.

72311. The petition for annexation shall be signed by voters residing within the area proposed to be annexed equal in number to at least 10 percent of the number of such voters voting for all candidates for the office of Governor at the last preceding gubernatorial election. If one or more cities are included in the proposed annexation, the petition shall, in addition, be signed by at least 10 percent of the voters of each such city so voting at such election.

72312. The petition for annexation shall set forth and describe the boundaries of the area proposed to be annexed and shall contain a prayer that such area be annexed to the district.

72313. Within 10 days of the date of the filing of the petition for annexation, the secretary shall examine the petition and determine whether it is signed by the requisite

number of voters. Upon request of the secretary, the board shall authorize him to employ persons specially for this purpose, in addition to the persons regularly employed in his office, and shall provide for their compensation

72314. When the secretary has completed his examination of the petition for annexation, he shall attach to it his certificate, properly dated, showing the result of such examination.

72315. If the secretary finds from the examination that the petition for annexation is signed by the requisite number of voters, he shall certify that the petition is sufficient. If he finds it is not so signed, he shall certify that the petition is insufficient.

72316. If the secretary certifies in his certificate that the petition for annexation is insufficient, he shall also certify therein to the number of voters required to make the petition sufficient, and the petition may be amended by filing a supplemental petition or petitions within 10 days of the date of such certificate.

72317. Within 10 days after the filing of any supplemental petition or petitions, the secretary shall examine them and certify to the result of such examination as provided in Sections 72313 to 72315, inclusive.

72318. If any supplemental petition is filed, all the signatures on the original and supplemental petitions shall be considered in determining the number of voters signing the petition.

72319. After the time for filing supplemental petitions has expired and all supplemental petitions have been examined, if the secretary's certificate shows that the petition for annexation is insufficient, the petition shall be filed by him with the board and kept as a public record, without prejudice to the filing of a new petition.

72320 If the secretary's certificate shows that the petition for annexation is sufficient, the secretary shall present the petition to the board, without delay.

72321 After an election for the annexation of an area to the district is held, the sufficiency of the petition for annexation shall not be subject to judicial review or be otherwise questioned

72322. The text of the petition for annexation shall be published once a week for at least two weeks in at least one, but not exceeding three, newspapers printed and published in each county in which the area or areas proposed to be annexed are situated, together with a notice stating the time of the meeting at which the petition will be presented The last publication of the petition and notice shall be made not less than one week nor more than four weeks prior to the time the petition is to be presented to the board. If the petition is contained upon one or more instruments, only one copy of the petition need be published.

72323. No more than five of the names attached to the petition for annexation need appear in the publication of the petition and notice, but the number of signers shall be stated.

Article 3. Granting of Petition

72330. The petition for annexation may be granted by ordinance of the board.

72331. In granting the petition for annexation, the board may fix in the ordinance the terms and conditions upon which such annexation may occur. Such terms and conditions may provide, among other things, for the levy by the district of special taxes upon taxable property within the annexed area or areas in addition to the taxes that the district is otherwise authorized to levy. If such terms and conditions provide for the levy of such special taxes, the board in fixing the terms and conditions, shall specify the aggregate amount to be so raised, the number of years prescribed for raising such aggregate amount, and that substantially equal annual levies will be made for the purpose of raising such amount over the period so prescribed

72332. The terms and conditions also may provide, among other things, that a special water rate may be fixed from time to time by the board for the area or areas proposed to be annexed.

72333. The terms and conditions also may provide that the taxable property in the annexed area shall be subject to taxation, to the extent set forth in such terms and conditions, for the purpose of the payment of bonds and other obligations of the district authorized or outstanding at the time of the annexation.

Article 4. Election

72340. If the petition for annexation is granted by ordinance, the proposition of such annexation, subject to the terms and conditions fixed by the board, shall be submitted to the voters in the area or areas proposed to be annexed, at an election called by the board and held, as provided in this article, within 70 days after the effective date of such ordinance.

72341 Notice of the annexation election shall be given once a week for three successive weeks by publication in a newspaper of general circulation published in each county in which the area or areas proposed to be annexed are situated. The last publication shall be not more than four weeks nor less than one week prior to the date fixed for the election.

72342. The notice of the annexation election shall describe the boundaries of the area or areas proposed to be annexed and shall designate such territory by some appropriate name, or other words of identification, by which such territory may be referred to and indicated upon the ballot to be used at the annexation election. Such notice also shall contain the sub-

stance of the terms and conditions of annexation fixed by the board.

72343. The proposition submitted at the annexation election shall be stated on the ballot substantially as follows:

"Shall _____ (giving the name or other designation of the territory proposed to be annexed, as stated in the notice of election) be annexed to _____ (name of district) subject to the terms and conditions fixed by the board of directors of the district?"

At the right of such proposition there shall be printed the words "Yes" and "No" with voting squares.

72344. The board shall canvass the votes cast at the annexation election and if the proposition is approved by a majority of the voters voting thereon at such election, the president and the secretary shall certify that fact to the Secretary of State and to the county recorder of each affected county.

Article 5. Certification

72350. Upon receipt of the certificate from the president and the secretary, the Secretary of State shall, within 10 days, issue his certificate reciting the passage of the ordinance and the addition of the area or areas to the district.

72351. A copy of the Secretary of State's certificate shall be transmitted to and filed with the county clerk of the county in which the district is situated if the district is situated in a single county, or shall be transmitted to and filed with the secretary if the district contains lands situated in more than one county.

72352. From and after the date of the Secretary of State's certificate, the area or areas named therein are added to, and form a part of, the district.

72353. The taxable property in the annexed area or areas shall be subject to taxation after the annexation thereof for the purposes of the district.

72354. The board may do all things necessary to enforce and make effective the terms and conditions of annexation fixed by it.

Chapter 5. Inclusion of Uninhabited Territory

Article 1. General

72370. Uninhabited territory within any county or counties may be added to a district pursuant to this chapter. For the purposes of this chapter, territory shall be deemed uninhabited if less than 12 voters reside therein at the time of the filing of the petition for annexation or the initiation of annexation proceedings by resolution of the board.

72371. The uninhabited territory may consist of unincorporated territory only or of incorporated territory lying

within the boundaries of one or more cities, or of both unincorporated and incorporated territory.

72372. The uninhabited territory proposed to be annexed to a district may consist of one or more parcels which need not be contiguous to each other or to the district.

72373. Notwithstanding the eligibility of any territory for annexation to a district pursuant to this chapter, the procedure prescribed in this chapter shall not be deemed exclusive and such territory may be annexed to the district as a separate parcel, or as part of a larger parcel, of territory annexed pursuant to Chapter 4 (commencing with Section 72300) of this part.

72374. A guardian, executor, administrator or other person holding property in a trust capacity under appointment of court, may, when authorized by the proper court, sign any petition or protest provided for in this chapter. The court authorization may be made without notice.

Article 2. Terms and Conditions

72380. The board may approve the annexation of uninhabited territory upon terms and conditions prescribed by the board.

72381. The terms and conditions of annexation may provide, among other things, for the levy by the district of special taxes upon taxable property within the annexed area or areas in addition to the taxes that the district is otherwise authorized to levy. If such terms and conditions provide for the levy of such special taxes, the board in fixing the terms and conditions, shall specify the aggregate amount to be so raised, the number of years prescribed for raising such aggregate amount, and that substantially equal annual levies will be made for the purpose of raising such amount over the period so prescribed.

72382. The terms and conditions also may provide, among other things, that a special water rate may be fixed from time to time by the board for the area or areas proposed to be annexed.

72383. The terms and conditions also may provide that the taxable property in the annexed area shall be subject to taxation, to the extent set forth in such terms and conditions, for the purpose of the payment of bonds and other obligations of the district authorized or outstanding at the time of annexation.

72384. The board shall prescribe the terms and conditions of annexation either in the resolution giving notice of the proposed annexation adopted pursuant to Section 72393, in the resolution proposing annexation adopted pursuant to Section 72400, or in a resolution adopted by the board at the original hearing of protests held pursuant to Section 72502. Terms and conditions fixed in a prior resolution may be amended and the amended terms and conditions may be prescribed in a resolution adopted by the board at the original hearing of protests.

Article 3. Initiation by Petition

72390. Proceedings for the annexation of uninhabited territory to any district may be initiated by petition. The petition may consist of any number of separate instruments and shall be filed with the secretary.

72391. The petition for annexation shall be signed by the owners of not less than one-fourth of the land in the uninhabited territory by area and by assessed value as shown on the last equalized assessment roll of each county in which such territory is situated. The last equalized assessment roll of each such county is prima facie evidence of the ownership of the land or lands lying within the uninhabited territory proposed to be annexed.

72392. The petition for annexation shall set forth and describe the boundaries of the area proposed to be annexed and shall contain a prayer that such area be annexed to the district pursuant to this chapter.

72393. The secretary shall present the petition for annexation to the board at its next meeting, and the board, without delay, shall pass a resolution giving notice of the proposed annexation.

72394. The resolution giving notice of the proposed annexation shall:

(a) State that a petition for annexation has been filed.

(b) Set forth and describe the boundaries of the territory proposed to be annexed.

(c) Contain the terms and conditions of annexation, if any, prescribed by the board.

(d) State that any owner of property within such territory may file with the secretary, at any time prior to the hour set for the hearing thereof, written protest to the annexation of such territory, or to the annexation of such territory upon such terms and conditions, as the case may be.

(e) Fix the time and place of the meeting of the board at which the board will hear such protests.

Article 4. Initiation by the Board

72400 The board, by resolution, may initiate proceedings for the annexation of uninhabited territory to the district.

72401. The resolution proposing annexation shall:

(a) Declare that proceedings have been initiated by the board pursuant to this chapter.

(b) State the reason for proposing the annexation.

(c) Set forth and describe the boundaries of the territory proposed to be annexed.

(d) Contain the terms and conditions of annexation, if any, prescribed by the board.

(e) State that any owner of property within such territory may file with the secretary, at any time prior to the hour set for the hearing thereof, written protest to the annexation of

such territory, or to the annexation of such territory upon such terms and conditions, as the case may be.

(f) Fix the time and place of the meeting of the board at which the board will hear such protests

Article 5. Hearings

72500. A hearing of protests shall be commenced not less than 20 nor more than 40 days after the passage by the board, pursuant to Section 72393 or Section 72400, of a resolution giving notice of the proposed annexation or a resolution proposing annexation.

The secretary shall cause the text of the resolution to be published once each week for at least two weeks in at least one, but not exceeding three, newspapers printed and published in the district. The last publication shall be made not less than one week not more than four weeks before the time fixed for the hearing of protests.

72501. At any time prior to the hour set for the hearing of protests, any owner of property within the territory proposed to be annexed may file with the secretary written protest against the annexation, or against the annexation upon the terms and conditions prescribed in the resolution giving notice of the proposed annexation or the resolution proposing annexation, as the case may be. The protest shall state the name of the owner of the property affected and the description and area of such property in general terms.

72502 At the hearing, which may be adjourned from time to time, the board shall hear and pass upon all protests filed pursuant to Section 72501. If protests are so filed by the owners of one-half of the value of the territory proposed to be annexed as shown by the last equalized assessment roll of each county in which the territory is situated, further proceedings shall not be taken.

72503. If protest is not made by the owners of one-half of the value of the territory proposed to be annexed, the board may, by ordinance, approve or disapprove the annexation, or may, by resolution, prescribe original or amended terms and conditions of annexation.

72504. If terms and conditions, or amended terms and conditions, are prescribed by the board in a resolution adopted at the original hearing, the board shall adjourn the hearing for not less than 20 nor more than 40 days, to a time and place to be fixed in such resolution. The resolution shall also state that any owner of property within the territory proposed to be annexed may file with the secretary, at any time prior to the hour set for the adjourned hearing, written protest to the annexation of the territory upon the terms and conditions.

72505. The secretary shall cause the text of the resolution to be published for the time and in the manner required for publication of the resolution giving notice of the original hearing.

72506. If, prior to the hour set for the adjourned hearing, written protests, in the form prescribed in Section 72501, to the annexation of the proposed territory subject to the terms and conditions are filed with the secretary by the owners of one-half of the value of such territory as shown by the last equalized assessment roll of each county in which the territory is situated, further proceedings shall not be taken.

72507. If protest is not made by the owners of one-half of the value of the territory proposed to be annexed, the board shall by ordinance approve or disapprove the annexation.

72508. Any ordinance approving annexation shall set forth and describe the boundaries of the annexed territory and the terms and conditions of annexation, if any, prescribed by the board.

72509. If the board, by ordinance, disapproves the annexation, or the annexation subject to terms and conditions, as the case may be, a new proceeding to annex any of the same territory shall not be initiated pursuant to this chapter for a period of 12 months from the effective date of the ordinance.

Article 6. Certification

72520. When an ordinance approving annexation of uninhabited territory becomes effective, the president and the secretary shall file with the Secretary of State a certified copy of the ordinance.

72521. Upon receipt of the certified copy of the ordinance, the Secretary of State shall, within 10 days, issue his certificate reciting the passage of the ordinance and the addition of the area or areas to the district.

72522. A copy of the Secretary of State's certificate shall be transmitted to and filed with the county clerk of the county in which the district is situated if the district is situated in a single county, or shall be transmitted to and filed with the secretary if the district contains lands situated in more than one county.

72523. From and after the date of the Secretary of State's certificate, the area or areas named therein are added to, and form a part of, the district.

72524. The taxable property in the annexed area or areas shall be subject to taxation after the annexation thereof for the purposes of the district.

72525. The board may do all things necessary to enforce and make effective the terms and conditions of annexation fixed by it.

72526. After the date of issuance of the Secretary of State's certificate the sufficiency of the petition for annexation or the resolution proposing annexation shall not be subject to judicial review or be otherwise questioned.

Chapter 6. Dissolution

Article 1. In General

72550. A district may be dissolved in the manner provided in this chapter.

72551. No district shall be dissolved until all of its bonded indebtedness has been fully paid. As used in this chapter, "indebtedness" means all indebtedness other than bonded indebtedness unless the latter phrase is expressly used.

72552. If a district contains lands situated in more than one county, the board of directors of the district shall perform the duties imposed by this chapter upon the board of supervisors, up to and including the effective date of the dissolution. Thereafter, the duties imposed upon the board of supervisors shall be performed by the board of supervisors of the principal county

72553. If a district contains lands situated in more than one county, the secretary shall perform the duties imposed by this chapter upon the county clerk, up to and including the effective date of the dissolution. Thereafter, the duties imposed upon the county clerk and the county treasurer shall be performed by the county clerk and the county treasurer of the principal county.

Article 2. Petition

72560. A petition for dissolution shall be filed with the county clerk, signed by at least 25 percent of the voters of the district. The petition shall pray for the dissolution of the district and briefly state the reasons therefor.

72561. Within 10 days of the date of the filing of the petition for dissolution, the county clerk shall examine the petition and determine whether it is signed by the requisite number of voters. When the county clerk has completed his examination of the petition, he shall attach to it his certificate, properly dated, showing the result of such examination.

72562. If the county clerk finds from the examination that the petition for dissolution is signed by the requisite number of voters he shall certify that the petition is sufficient. If he finds it is not so signed, he shall certify that the petition is insufficient.

72563. If the petition for dissolution is found to be insufficient by the county clerk, supplemental petitions may be filed at the times, in the manner, and for the same purpose as supplemental petitions to the original petition for the formation of a district, as set forth in Chapter 4 (commencing with Section 71120) of Part 2 of this division.

72564. After the time for filing supplemental petitions has expired and all supplemental petitions have been examined, if the county clerk's certificate shows that the petition for dissolution is sufficient, the county clerk shall present the petition to the board of supervisors without delay.

72565. After an election for the dissolution of a district is held, the sufficiency of the petition for dissolution shall not be subject to judicial review or be otherwise questioned.

Article 3. Election

72570. When a petition for dissolution is presented to it, the board of supervisors shall give notice of an election to be held in the district for the purpose of determining whether the district shall be dissolved. If the district has issued bonds, the board of supervisors shall not consider the petition or take any action pursuant to this chapter until evidence is furnished showing the bonds to have been fully satisfied.

72571. The notice of the dissolution election shall be published at least once a week for three successive weeks in a newspaper published in the district and determined by the board of supervisors to be most likely to give notice to those interested in the hearing. The last publication shall be not more than four weeks nor less than one week prior to the date fixed for the election.

72572. The notice of the dissolution election shall state that the question of dissolving the district will be submitted to the voters of the district at the time fixed for the dissolution election, and voters may vote on such proposition by placing upon their ballots the cross as provided by law after the words "For Dissolution" or "Against Dissolution."

72573. The board of supervisors shall cause a copy of the notice of the dissolution election to be mailed by the county clerk to each of the directors of the municipal water district within five days after the date of the first publication thereof. No election shall be held until proof of such mailing is furnished by affidavit of the county clerk.

This section shall not apply in the case of the dissolution of a district containing lands situated in more than one county.

72574. As nearly as is practicable, a dissolution election shall be held and conducted in the same manner as a formation election.

72575. Within seven days after the date of the dissolution election, the board of supervisors shall canvass the vote cast.

72576. If less than a majority of the votes cast at the dissolution election are in favor of dissolution, the board of supervisors shall declare the petition for dissolution denied.

72577. If a majority of all the votes cast at the dissolution election are in favor of dissolution, the board of supervisors shall make and cause to be entered upon the records of their proceedings an order that the petition for such dissolution is granted and declaring that the municipal water district is dissolved. Such order shall take effect 20 days after the holding of the election, and from and after such effective date the municipal water district is forever dissolved.

72578. If the district is dissolved, the board of supervisors shall forthwith cause the county clerk, or other officer perform-

ing the duties of the county clerk, to make and transmit to the Secretary of State a certified copy of the notice of the dissolution election and a statement of the number of voters voting for the dissolution and the number of voters voting against the dissolution.

Article 4. Procedure Upon Dissolution

72590. Upon the dissolution of a district, the board of supervisors shall forthwith determine the amount of the indebtedness of the district, the amount of money in the district treasury, and the amount of all indebtedness due or coming due to the district.

The board of directors of the district shall furnish the board of supervisors with a statement showing such amounts.

72591. If the board of directors of a dissolved district fails or refuses to furnish to the board of supervisors the statement required by Section 72590, the board of supervisors shall ascertain the indebtedness of the district at the time of its dissolution, the amount of money then in its treasury, and the amount then due to it.

72592. Within 30 days after the dissolution of a district, the district shall turn over to the county treasurer all moneys of the district.

72593. The county treasurer shall place the money received from a district and all moneys paid into the county treasury with respect to such district pursuant to this chapter in a special fund which shall be established by the county treasurer.

72594. Upon the dissolution of a district, each officer of the district shall immediately turn over to the board of supervisors all public property of every nature and description in his possession, including all public records and data of every nature and description

72595 Nothing contained in this division shall be held to relieve a district, or the territory included within it, from any liability or debt contracted by the district prior to its dissolution.

72596. All warrants for indebtedness of a dissolved district shall be drawn on order of the board of supervisors on the special fund in the county treasury established pursuant to Section 72593.

72597. If, at any time after the dissolution of a district, it is found that there is not sufficient money in the treasury to the credit of the special fund established pursuant to Section 72593 to pay any indebtedness of the district, the board of supervisors shall levy upon, and there shall be collected from, the property within the territory formerly included within the district subject to taxation for the indebtedness, a tax or taxes sufficient in amount to pay the indebtedness as it becomes due.

72598. The levy and collection of the tax or taxes pursuant to Section 72597 shall be made in the same manner and at the

same time that other county taxes are levied and collected, and they shall be an additional tax within the territory formerly included within the district for the payment of the dissolved district's debts.

If such territory is situated in more than one county, the board of supervisors of the principal county shall apportion the tax or taxes among the counties in the same manner as is provided for apportionment of district taxes in Chapter 2 (commencing with Section 72110) of Part 9 of this division.

72599. If, after payment of all debts of a dissolved district, there remains any surplus in the special fund established pursuant to Section 72593, the board of supervisors shall appropriate such surplus and declare a pro rata dividend to the taxpayers of the dissolved district. Such taxpayers shall have the right to have the amount of such pro rata dividend refunded to them. On demand of any such taxpayer, the board of supervisors shall refund to him his share of such pro rata dividend.

72600. The board of supervisors shall make provision for the collection of the amounts due to the dissolved district and for the closing up of the district's affairs. Any act or acts necessary for such purposes not otherwise provided for in this chapter shall, upon the order of the board of supervisors directing the same, be as fully done and performed and with as full effect as if they had been performed by the proper officers of the district before dissolution.

72601. The county shall succeed to and possess all the right of the dissolved district in and to the indebtedness due to the district and may sue for or otherwise collect any such debts in the name of said county. All costs and expenses of ascertaining the facts mentioned in Section 72590, and all other costs and expenses incurred by the board of supervisors in the execution of the orders and duties of the board of supervisors provided for in this chapter, shall be paid out of the special fund established pursuant to Section 72593.

Article 5. Distribution of Surplus Funds to Cities

72610. Whenever, after the dissolution of a district composed exclusively of the territory of a city, there remains any money in the special fund established pursuant to Section 72593 after the lapse of a period of three years from and after the payment of all the debts of the dissolved district, such remaining money shall be transferred to the general fund of the city upon application of the district attorney of the county and order of the superior court, as provided in this article.

72611. The legislative body of the city may by resolution direct the district attorney to apply to the superior court for the transfer of the remaining money in the special fund to the general fund of the city. Upon receipt of such a resolution, the district attorney shall apply to the superior court for such transfer.

72612. Upon the hearing on the application of the district attorney, the superior court shall order that the remaining money in the special fund be transferred to the general fund of the city if the following are made to appear to the satisfaction of the court or judge, by affidavit or by testimony taken in open court:

(a) That such money has not been paid out but has been in the special fund for a period of three years.

(b) That there is no proceeding pending to require the board of supervisors to appropriate such money or to pay it out pro rata to any taxpayer of the dissolved district entitled thereto.

(c) That the period of three years has passed since the payment of all the debts of the dissolved district.

After the transfer of such money to the general fund of the city, it may be expended by the city as a part of its general fund.

72613. If, at the time the proceeding is brought pursuant to this article, or while the proceeding is pending in the superior court, an action or proceeding is brought to require the payment of any part of the remaining money in the special fund to a taxpayer of the dissolved district, the court may order that there be paid into the general fund of the city the excess of such money over the amount so claimed by the taxpayer. Upon the determination of the action or proceeding by the taxpayer, the court may order any portion of such money, over and above the amount, if any, paid to the taxpayer, to be transferred to the general fund of the city without further proceedings being required.

CHAPTER 7. CONTEST OF CHANGES IN ORGANIZATION OF DISTRICTS

72630. No informality in any proceeding or in the conduct of any election, not substantially affecting adversely the legal rights of any citizen, shall be held to invalidate the annexation of territory to, exclusion of territory from, or dissolution of, any district.

72631. Any action or proceeding in which the validity of an annexation, exclusion, or dissolution is denied or questioned shall be commenced within three months from the date of the Secretary of State's certificate of annexation or exclusion or from the date of the order of the board of supervisors declaring the dissolution, as the case may be; otherwise the annexation, exclusion, or dissolution, and all proceedings in respect thereto, shall be held to be valid and in every respect legal and incontestable.

PART 11 CHANGES IN ORGANIZATION OF IMPROVEMENT DISTRICTS

CHAPTER 1 INCLUSION OF TERRITORY

Article 1. Inclusion Proceedings Initiated by Petition

72670. Any portion of a district, whether contiguous or not to an improvement district thereof, may be annexed to such improvement district in the manner provided in this chapter.

72671. Annexation proceedings may be initiated by petition. A petition, which may consist of any number of separate instruments, shall be filed with the secretary.

72672. The petition shall be signed by the holders of title to at least 60 percent of the land in the portion proposed to be annexed, which land shall have an assessed valuation of not less than 50 percent of the land proposed to be annexed.

72673. The petition for annexation shall contain all of the following:

(a) A description of the area proposed to be annexed. Such description may be made by reference to a map on file with the secretary of the district, which map shall govern for all details as to the extent of the area proposed to be annexed, or may be made in any other definite manner

(b) The terms and conditions upon which the proposed area may be annexed as theretofore determined by resolution of the board.

(c) A prayer that the board declare such area to be annexed to the improvement district

72674. The petition for annexation shall be accompanied by a certified check payable to the order of the district in a sufficient amount to reimburse the district for the expenses of processing and publishing the petition and preparing and making the filings required by law.

72675 Within 10 days of the date of the filing of the petition for annexation, the secretary shall examine the petition and determine whether it is signed by the required number of property owners. Upon request of the secretary, the board shall authorize him to employ persons specially for this purpose, in addition to the persons regularly employed in his office, and shall provide for their compensation

72676. When the secretary has completed his examination of the petition for annexation, he shall attach to it his certificate, properly dated, showing the result of such examination.

72677. If the secretary finds from the examination that the petition for annexation is signed by the requisite number of property owners he shall certify that the petition is sufficient. If he finds it is not so signed, he shall certify that the petition is insufficient

72678 If the secretary certifies in his certificate that the petition for annexation is insufficient, the petition may be

amended by filing a supplemental petition or petitions within 10 days of the date of such certificate.

72679. Within 10 days after the filing of any supplemental petition or petitions, the secretary shall examine them and certify to the result of such examination as provided in Sections 72675 to 72677, inclusive.

72680. After the time for filing supplemental petitions has expired and all supplemental petitions have been examined, if the secretary's certificate shows that the petition for annexation is sufficient, the secretary shall cause notice of hearing on the petition to be published and posted without delay.

72681. The text of the petition for annexation shall be published, pursuant to Section 6066 of the Government Code, prior to the time at which it is to be presented to the board, in at least one newspaper printed and published in the district, if there is a newspaper printed and published in the district, together with a notice stating the time and place of the meeting at which the petition will be presented If the petition is contained upon one or more instruments, only one copy of the petition need be published.

72682. No more than five of the names attached to the petition for annexation need appear in the publication of the petition and notice, but the number of signers shall be stated.

72683. The petition and notice shall also be posted in three public places in the improvement district and three public places in the area proposed to be annexed at least two weeks prior to the hearing.

72684. The board shall proceed to hear the petition at the time and place fixed therefor, and any person residing within the district or improvement district or owning taxable property in the district or improvement district may appear and be heard at such hearing. Such hearing may be continued from time to time by the board.

72685 At the conclusion of the hearing, if the board finds and determines from the evidence presented at the hearing that the area proposed to be annexed to an improvement district will be benefited thereby, and that the improvement district to which the area proposed to be annexed will also be benefited thereby and will not be injured thereby, the board may, by resolution, approve the annexation.

The resolution shall describe the annexed territory, which may be made by reference to a map on file with the secretary, which map shall govern for all details as to the extent of the annexed area, or may be made in any other definite manner The resolution shall also state the terms and conditions of annexation as theretofore determined by resolution of the board.

72686. From and after the date of the adoption of the resolution approving the annexation, the area named therein is added to and forms a part of the improvement district.

72687. The taxable property in the annexed area shall be subject to taxation after the annexation thereof for the pur-

poses of the improvement district, including the payment of the principal of and interest on bonds and other obligations of the improvement district authorized and outstanding at the time of the annexation as if the annexed property had always been a part of the improvement district

72688 The board may do all things necessary to enforce and make effective the terms and conditions of annexation fixed by it.

72689. Any action or proceeding in which the validity of an annexation to an improvement district pursuant to this article is contested, questioned, or denied shall be commenced within three months after the date of the resolution approving such annexation; otherwise the annexation shall be held to be valid and in every respect legal and incontestable.

Article 2. Inclusion Proceedings Initiated by the Board

72700. The board, by resolution, may initiate proceedings for the annexation of territory within the district contiguous to an improvement district to such improvement district.

72701. The resolution proposing annexation shall:

(a) Declare that proceedings have been initiated by the board pursuant to this article.

(b) State the reason for proposing the annexation.

(c) Set forth a description of the area proposed to be annexed, which may be made by reference to a map on file with the secretary of the district which map shall govern for all details as to the extent of the area proposed to be annexed.

(d) State the terms and conditions of the annexation.

(e) State that the holders of title to any of the land sought to be annexed may file written protests with the secretary to the annexation or the annexation upon such terms and conditions.

(f) Fix the time and place of a meeting at which the board will receive written protests theretofore filed with the secretary, receive additional written protests, and hear from any and all persons interested in the annexation

72702. The text of the resolution proposing annexation shall be published, pursuant to Section 6066 of the Government Code, prior to the time of hearing in at least one newspaper printed and published in the district, if there is a newspaper published and printed in the district.

72703. A copy of the resolution proposing annexation shall also be posted in three public places within the improvement district and three public places in the area proposed to be annexed at least two weeks prior to the hearing.

72704. The board shall proceed with the hearing at the time and place fixed therefor and may continue the hearing, if need be, from time to time. All interested persons will be heard at the hearing.

72705. If written protests are filed by the holders of title of one-half of the value of the territory proposed to be an-

nexed as shown by the last equalized assessment roll of each county in which the territory is situated, further proceedings shall not be taken, and the board shall refuse the annexation by a resolution so stating.

72706. If written protest is not made by the owners of one-half of the value of the territory proposed to be annexed, and if, at the conclusion of the hearing, the board finds and determines from the evidence presented at the hearing that the area proposed to be annexed to an improvement district will be benefited thereby, and that the improvement district to which the area proposed to be annexed will also be benefited thereby and will not be injured thereby, the board may, by resolution, approve such annexation.

The resolution shall describe the territory annexed, which may be by reference to a map on file with the secretary, which map shall govern for all details as to the extent of the annexed area The resolution shall also state the terms and conditions of annexation as theretofore determined by resolution of the board

72707. If the board finds and determines that either the area proposed to be annexed to the improvement district will not be benefited thereby or that the improvement district to which the area is proposed to be annexed will not be benefited thereby and will be injured thereby, the board shall by resolution disapprove such annexation.

72708. From and after the date of the adoption of the resolution approving the annexation, the area described therein is added to and forms a part of the improvement district.

72709. The taxable property in the annexed area shall be subject to taxation after the annexation thereof for the purposes of the improvement district, including the payment of the principal of and interest on bonds and other obligations of the improvement district authorized and outstanding at the time of the annexation as if the annexed property had always been a part of the improvement district.

72710. The board may do all things necessary to enforce and make effective the terms and conditions of annexation fixed by it.

72711. Any action or proceeding in which the validity of an annexation to an improvement district pursuant to this article is contested, questioned, or denied shall be commenced within three months after the date of the resolution of the board approving the annexation of the territory to an improvement district; otherwise, the annexation shall be held valid and in every respect legal and incontestable.

CHAPTER 2. DISSOLUTION OF IMPROVEMENT DISTRICTS

72730. Whenever the board deems it necessary for any improvement district formed pursuant to this division to be dissolved, it shall by resolution declare its intention to dissolve the improvement district.

As used in this chapter, "improvement district" includes an uninhabited improvement district formed pursuant to Chapter 4 (commencing with Section 71920) of Part 7 of this division.

72731. The resolution of intention shall state:

(a) The reason why the improvement district should be dissolved.

(b) If the improvement district was formed pursuant to Chapter 3 (commencing with Section 71870) or Chapter 4 (commencing with Section 71920) of Part 7 of this division, that no bonds have been issued for the improvement district or are outstanding.

(c) If the improvement district was formed pursuant to Part 8 (commencing with Section 72000) of this division, that no indebtedness or liability was incurred for the improvement district or is outstanding.

(d) That a map showing the exterior boundaries of the improvement district, with relation to the territory immediately contiguous thereto, is on file with the secretary and is available for inspection by any person or persons interested

(e) The time and place for a hearing by the board on the question of the dissolution of the improvement district.

(f) That at such time and place any person interested, including all persons owning property in the district or in the improvement district will be heard.

72732. Notice of the hearing shall be given by publishing a copy of the resolution, pursuant to Section 6066 of the Government Code, prior to the time fixed for the hearing in a newspaper circulated in the district, if there is a newspaper circulated in the district. Such notice shall also be given by posting a copy of the resolution in three public places within the improvement district for at least two weeks before the time fixed for the hearing.

72733. At the time and place fixed in the resolution of intention, or at any time or place to which the hearing is adjourned, the board shall proceed with the hearing. At the hearing any person interested, including all persons owning property in the district, or in the improvement district, may appear and present any matters material to the proposed dissolution.

72734. At the conclusion of the hearing, the board shall by ordinance determine whether it is necessary to dissolve the improvement district. If so, the ordinance shall state that the exterior boundaries of the improvement district are set forth on a map on file with the secretary and shall declare the improvement district dissolved. The determinations made in the ordinance shall be final and conclusive.

72735 When the ordinance declaring an improvement district dissolved becomes effective, the dissolution of such improvement district is complete.

72736. The taxable property within the boundaries of the dissolved improvement district shall continue to be taxed for any indebtedness of the district contracted for such dissolved improvement district until the indebtedness has been satisfied, to the same extent that such property would be taxable for such purpose if the dissolution had not occurred.

72737. Any action or proceeding in which the validity of the dissolution of an improvement district, or of any of the proceedings in relation thereto, is contested, questioned, or denied shall be commenced within three months from the effective date of the ordinance dissolving the improvement district; otherwise, the dissolution of the improvement district and, all proceedings in relation thereto, shall be held to be valid and in every respect legal and incontestable.

PART 12. REPEALS

73000. Chapter 671 of the Statutes of 1911 is repealed

73001. The repeal effected by this part shall not be construed to deprive any district or person or any other entity of any substantial right which would have existed or hereafter exists had such repeal not been effected.

CHAPTER 157

An act to amend Sections 30225 and 30750 of the Streets and Highways Code, relating to bridges constructed under the California Toll Bridge Authority Act and their financing, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 25, 1963. Filed with Secretary of State April 26, 1963.]

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

SECTION 1. Section 30225 of the Streets and Highways Code is amended to read:

30225. If the outstanding bonds issued for the acquisition or construction of the toll bridge or other highway crossing as originally designed are, at the time of issuance of the additional bonds, by their terms subject to retirement before maturity, or if the holders consent to the retirement of such bonds, the authority may include in the issue of bonds to be sold for the purpose of enlarging or extending the toll bridge or other highway crossing or changing the design thereof, an amount of bonds sufficient to produce funds with which to retire the outstanding bonds according to their terms and may also include bonds in a principal amount sufficient to provide funds for any or all of the purposes specified in Section 30231 of this code, or otherwise provide for the use and application of any available funds for any or all of said purposes. Before

any such additional bonds are delivered the authority shall first duly call the outstanding bonds for redemption in accordance with their terms and conditions or obtain the consent of the holders thereof to their retirement.

SEC. 2. Section 30750 of said code is amended to read:

30750. As used in this article:

(a) "Existing bridge" means that certain bridge across the Carquinez Straits near Crockett, known as the Carquinez Bridge, together with any existing or new and additional approaches thereto necessary or desirable to connect with the present State Highway Routes 7 and 14, or any realignment thereof, which approaches shall extend, constructed to freeway standards, to a point approximately four and one-half miles north of the north end of the bridge, which point is just north of the Greenfield Avenue intersection, and to a point approximately four miles south of the south end of the bridge, which point is just north of the intersection of Routes 14 and 106

(b) "Additional Carquinez Bridge" means a new toll bridge across the Carquinez Straits near Crockett, to be located approximately parallel to and upstream from the existing bridge, together with all approaches thereto necessary or desirable to connect with the present State Highway Routes 7 and 14 or any realignment thereof, which approaches shall extend, constructed to freeway standards, to a point approximately four and one-half miles north of the north end of the bridge, which point is just north of the Greenfield Avenue intersection, and to a point approximately four miles south of the south end of the bridge, which point is just north of the intersection of Routes 14 and 106, and toll collection facilities to serve both the existing bridge and the additional toll bridge.

(c) "Benicia-Martinez Bridge" means a new toll bridge across Carquinez Straits and connecting, with suitable approaches, the Cities of Benicia and Martinez, such approaches to include improvements southerly to a connection with Route 106 and northerly to a connection with Route 74, approximately one-half mile northwesterly from Second Street in the City of Benicia, and an improvement with necessary or desirable realignment of Route 74 northerly to a connection with Route 7 near Cordelia, and toll collection facilities for the bridge.

(d) "Authority" means the California Toll Bridge Authority.

(e) "Department" means the Department of Public Works of the State of California.

SEC. 3. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Construction of the additional approach to the Benicia-Martinez Bridge provided for herein is urgently needed to complete an integrated approach system and to provide adequate

and safe proper traffic service. This act will permit proceedings for the refunding of the outstanding bonded indebtedness which, if undertaken immediately, can take advantage of favorable bond market conditions, resulting in substantial savings of interest on the outstanding bonded indebtedness. It is therefore necessary that this act go into immediate effect.

CHAPTER 158

An act to amend Sections 5081 and 5083 of, and to add Sections 5081.1, 5081.2 and 5081.3 to, the Business and Professions Code, relating to the practice of accountancy.

[Approved by Governor April 25, 1963. Filed with Secretary of State April 26, 1963.]

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

SECTION 1. Section 5081 of the Business and Professions Code is amended to read:

5081. An applicant for admission to the examination for a certified public accountant certificate shall (a) be a citizen of the United States, or have declared his intention of becoming a citizen, (b) have been a bona fide resident of the State of California for at least three months immediately preceding the time his application is filed, (c) be over the age of 21 years, (d) be of good moral character, (e) present satisfactory evidence that he has successfully completed a four-year day high school course, or the equivalent hours of courses in an evening high school, which included three years of English and two years of mathematics, or that he has the equivalent thereof as determined by a written examination approved for that purpose by the Department of Education and administered by an agency approved for that purpose by the Department of Education, and (f) have one of the requirements specified in Section 5081.1.

SEC. 2. Section 5081.1 is added to said code, to read:

5081.1. An applicant for admission to the examination for a certified public accountant certificate shall comply with one of the following:

(a) He shall present satisfactory evidence that he has received a baccalaureate degree from a university, college or other four-year institution of learning accredited by a regional or national accrediting agency or association included in a list of such agencies or associations published by the United States Commissioner of Education under the requirements of Section 253 of the Veterans' Readjustment Assistance Act of 1952, known as Public Law 550 of the 82nd Congress, as amended, with a major in accounting or related subjects requiring a minimum of 45 semester hours of instruction in such subjects. If the applicant has received a baccalaureate

degree in a nonaccounting major, the applicant shall present satisfactory evidence of study substantially the equivalent of accounting major, including courses in related business administration.

(b) He shall present satisfactory evidence that he has successfully completed a two-year course of study at college grade or received an associate in arts degree from a junior college, either institution accredited by a regional or national accrediting agency or association which association is included in a list published by the United States Commissioner of Education under the provisions of federal law provided above, and that he has studied accounting, commercial law, economics, finance and related business administration subjects for a period of at least four years.

(c) He shall show to the satisfaction of the board that he has had the equivalent of the educational qualifications required by subdivisions (a) or (b), or shall pass a preliminary written examination approved by, and administered by an agency approved by, the California State Department of Education to determine that he has the equivalent of the educational qualifications required by subdivisions (a) or (b).

(d) He shall be a public accountant registered under this chapter.

SEC. 3. Section 5081.2 is added to said code, to read:

5081.2. The board may admit to the examination any person who will complete his college study within 120 days after the date of the examination. The board shall not report the results of the examination until the person completes his college study.

SEC 4. Section 5081.3 is added to said code, to read:

5081.3. The certified public accountant members of the board and the public member may require an applicant for admission to the examination for a certified public accountant certificate to appear in person to determine if his qualifications are as prescribed in this chapter and the rules of the board as adopted hereunder.

SEC. 5. Section 5083 of said code is amended to read:

5083. Except as otherwise provided in this section, an applicant who successfully passes the examination shall receive a certificate as a certified public accountant if he has completed, or upon his completion of, any one of the following requirements:

(a) Three years of public accounting experience, two years of which have been in the employ of a public accountant registered under this chapter or a certified public accountant or a partnership of which a majority of the partners are public accountants registered under this chapter or certified public accountants.

(b) Three and one-half years of public accounting experience, one year of which has been in the employ of a public accountant registered under this chapter or a certified public accountant or a partnership of which a majority of the part-

ners are public accountants registered under this chapter or certified public accountants.

(c) Four years of public accounting experience in cases in which none was acquired in the employ of a public accountant registered under this chapter or partnership of public accountants registered under this chapter or a certified public accountant or partnership of certified public accountants.

(d) Experience in private or governmental accounting or auditing work of a character and for a length of time sufficient in the opinion of the board to be substantially equivalent to the requirements of subdivisions (a), (b) or (c) hereof; provided, that the length of time that may be determined by the board shall not exceed four years.

The board shall prescribe rules establishing the character and variety of experience necessary to fulfill the experience requirements set forth in this section.

An applicant who qualified for the examination pursuant to subdivisions (b) or (c) of Section 5081.1 shall have at least four years of experience of a type described in this section.

SEC. 6. This act shall become operative on July 1, 1965.

CHAPTER 159

An act to amend Section 10500 of the Water Code, relating to the appropriation of water by the Department of Water Resources.

[Approved by Governor April 25, 1963. Filed with Secretary of State April 26, 1963.]

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

SECTION 1. Section 10500 of the Water Code is amended to read:

10500. The department shall make and file applications for any water which in its judgment is or may be required in the development and completion of the whole or any part of a general or co-ordinated plan looking toward the development, utilization, or conservation of the water resources of the State.

Any application filed pursuant to this part shall be made and filed pursuant to Part 2 of Division 2 of this code and the rules and regulations of the State Water Rights Board relating to the appropriation of water insofar as applicable thereto.

Applications filed pursuant to this part shall have priority, as of the date of filing, over any application made and filed subsequent thereto. Until October 1, 1967, or such later date as may be prescribed by further legislative enactment, the statutory requirements of said Part 2 (commencing at

Section 1200) of Division 2 relating to diligence shall not apply to applications filed under this part, except as otherwise provided in Section 10504.

CHAPTER 160

An act to amend Section 7074 of, add Section 7138 to, and repeal Section 7085 of, the Business and Professions Code, relating to contractors.

[Approved by Governor April 25, 1963 Filed with Secretary of State April 26, 1963.]

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

SECTION 1. Section 7074 of the Business and Professions Code is amended to read:

7074. An application for an original license shall become void when:

(a) The applicant or the examinee for the applicant, after having been notified to do so, fails to appear for the qualifying examination within six months from the date of filing the application.

(b) The applicant or the examinee for the applicant has failed the qualifying examination, and after having been notified to do so, fails to appear for re-examination within six months from the date of filing an application for re-examination.

(c) The applicant, after having been notified to do so, fails to pay the initial license fee within six months from the date of such notice.

(d) The applicant, after having been accepted for filing and before issuance of the license, withdraws his application.

(e) The applicant, after having been notified to do so, fails to file within six months from the date of such notice any bond or cash deposit which may be required pursuant to Section 7071.5.

(f) The application is denied after a hearing conducted in accordance with the provisions of this chapter.

An application voided pursuant to the provisions of this section shall remain in possession of the registrar for such period as he deems necessary and shall not be returned to the applicant. Any reapplication for a license shall be accompanied by the fee fixed by this chapter.

SEC. 2. Section 7085 of said code is repealed.

SEC. 3. Section 7138 is added to said code, to read:

7138. An application, reapplication, or re-examination fee paid in connection with an application for an original license as provided in subdivisions (a) and (b) of Section 7137 shall accrete to the Contractors' License Fund as an earned fee,

and notwithstanding any other provision of law shall not thereafter be refunded, when:

(a) The application is accepted for filing.

(b) The applicant or the examinee for the applicant, after having failed the qualifying examination, is granted permission to take a re-examination.

CHAPTER 161

An act to add Section 35416 to the Vehicle Code, relating to length of combination of vehicles.

[Approved by Governor April 25, 1963. Filed with Secretary of State April 26, 1963.]

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

SECTION 1. Section 35416 is added to the Vehicle Code, to read:

35416. A combination of vehicles consisting of a power unit and two cotton trailers when used on the highway for the exclusive purpose of transporting cotton from a farm to a cotton gin and returning the empty trailers to such farm may exceed a total length of 60 feet but shall not exceed a total length of 70 feet if both of such cotton trailers had first obtained special identification plates, as set forth in Section 5018, prior to July 1, 1963.

The provisions of this section shall be operative only until the 91st day after final adjournment of the 1969 Regular Session of the Legislature.

CHAPTER 162

An act to amend Section 22517 of the Vehicle Code, relating to opening and closing doors of a motor vehicle.

[Approved by Governor April 25, 1963. Filed with Secretary of State April 26, 1963.]

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

SECTION 1. Section 22517 of the Vehicle Code is amended to read:

22517. No person shall open the door of a vehicle on the side available to moving traffic unless it is reasonably safe to do so and can be done without interfering with the movement of such traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

CHAPTER 163

An act to amend the heading of Article 2 (commencing with Section 32670) of Chapter 3, Part 8, Division 12 of, to amend Sections 32653, 32670, 32671, 32672, 32690, 32715 of, and to add Chapter 2.5 (commencing with Section 37600) to Part 8 of Division 13, Chapter 2.5 (commencing with Section 48300) to Part 10 of Division 14, Chapter 2.5 (commencing with Section 60420) to Part 7 of Division 18, and Chapter 5.5 (commencing with Section 72540) to Part 10 of Division 20, of the Water Code, and to add Section 27.8 to the Municipal Water District Act of 1911 (Chapter 671, Statutes of 1911), Section 40.5 to the Water Conservation Act of 1927 (Chapter 91, Statutes of 1927), and Section 49.6 to the Water Conservation Act of 1931 (Chapter 1020, Statutes of 1931), relating to consolidation of water districts.

[Approved by Governor April 25, 1963. Filed with Secretary of State April 26, 1963.]

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

SECTION 1. Section 32653 of the Water Code is amended to read:

32653. Each board passing a preliminary consolidation resolution shall forward to the department a copy certified by the president or secretary.

If the districts are included entirely within the boundaries of one county, in lieu of forwarding the resolution to the department, each district may forward the certified copy of the resolution to the board of supervisors of the county containing the districts.

SEC. 2. The heading of Article 2 (commencing with Section 32670) of Chapter 3 of Part 8 of Division 12 of said code is amended to read:

Article 2. Reference to Department of Water Resources or Board of Supervisors

SEC. 3. Section 32670 of said code is amended to read:

32670. Upon the receipt of certified copies of the preliminary consolidation resolution adopted by two or more districts, the department or the board of supervisors if the districts are included entirely within the boundaries of one county shall forthwith make or cause to be made any investigation that it deems necessary.

SEC. 4. Section 32671 of said code is amended to read:

32671. Upon the completion of the investigation, but not more than 90 days after the receipt by it of a copy of the resolution from the board last adopting it, the department or board of supervisors shall submit to each board its report thereon.

SEC. 5. Section 32672 of said code is amended to read:

32672. The department or board of supervisors shall include in the report:

(a) If it considers advisable the elimination of a portion of the land in any of the districts to be consolidated, a recommendation to that effect and a statement of its reasons therefor.

(b) The recommended boundaries of the proposed consolidated district.

(c) A recommendation as to the apportionment to the land in the respective districts consolidated of any outstanding indebtedness as it deems equitable.

SEC. 6. Section 32690 of said code is amended to read:

32690. A consolidation election to submit to the voters in each district the question of the consolidation shall be called by each board which has adopted a preliminary consolidation resolution by an order made either:

(a) Within 10 days after receiving the report on the consolidation from the department in which the department or board of supervisors states the consolidation to be desirable.

(b) Upon the adoption by each board of a resolution declaring its determination that the proposed consolidation is desirable after either:

(1) Receiving the report on the consolidation from the department or board of supervisors in which the department or board of supervisors states the consolidation not to be desirable.

(2) Not receiving the report on the consolidation from the department or board of supervisors within 90 days after the submission to the department or board of supervisors of the copy of the preliminary consolidation resolution from the board last adopting it.

SEC. 7. Section 32715 of said code is amended to read:

32715. The board of a consolidated district within 60 days after the consolidation shall act upon the recommendation of the department or board of supervisors as to the apportionment of any outstanding indebtedness, and the board shall apportion to the land in the consolidated district any outstanding indebtedness as its deems equitable.

SEC. 8. Chapter 2.5 (commencing with Section 37600) is added to Part 8 of Division 13 of the Water Code, to read:

CHAPTER 2.5. CONSOLIDATION

37600. A district may be consolidated in the same manner as is provided for the consolidation of county water districts in Chapter 3 (commencing with Section 32650) of Part 8 of Division 12.

SEC. 9. Chapter 2.5 (commencing with Section 48300) is added to Part 10 of Division 14 of said code, to read:

CHAPTER 2.5. CONSOLIDATION

48300. A district may be consolidated in the same manner as is provided for the consolidation of county water districts in Chapter 3 (commencing with Section 32650) of Part 8 of Division 12.

SEC. 10. Chapter 2.5 (commencing with Section 60420) is added to Part 7 of Division 18 of said code, to read:

CHAPTER 2.5. CONSOLIDATION

60420. A district may be consolidated in the same manner as is provided for the consolidation of county water districts in Chapter 3 (commencing with Section 32650) of Part 8 of Division 12.

SEC. 11. Chapter 5.5 (commencing with Section 72540) is added to Part 10 of Division 20 of said code, as proposed by Senate Bill No. 15 of the 1963 Regular Session, to read:

CHAPTER 5.5. CONSOLIDATION

72540. A district may be consolidated in the same manner as is provided for the consolidation of county water districts in Chapter 3 (commencing with Section 32650) of Part 8 of Division 12.

SEC. 12. Section 27.8 is added to the Municipal Water District Act of 1911 (Chapter 671, Statutes of 1911), to read:

Sec. 27.8. A district may be consolidated in the same manner as is provided for the consolidation of county water districts in Chapter 3 (commencing with Section 32650) of Part 8 of Division 12 of the Water Code.

SEC. 13. Section 40.5 is added to the Water Conservation Act of 1927 (Chapter 91, Statutes of 1927), to read:

Sec. 40.5. A district may be consolidated in the same manner as is provided for the consolidation of county water districts in Chapter 3 (commencing with Section 32650) of Part 8 of Division 12 of the Water Code.

SEC. 14. Section 49.6 is added to the Water Conservation Act of 1931 (Chapter 1020, Statutes of 1931), to read:

Sec. 49.6. A district may be consolidated in the same manner as is provided for the consolidation of county water districts in Chapter 3 (commencing with Section 32650) of Part 8 of Division 12 of the Water Code.

SEC. 15. Section 11 of this act shall become operative only if Division 20 of the Water Code as proposed by Senate Bill No. 15 is enacted by the Legislature at its 1963 Regular Session and in such case at the same time as Senate Bill No. 15 takes effect; at which time Section 27.8 of the Municipal Water District Act (Chapter 671, Statutes of 1911) as added by Section 12 of this act is repealed.

CHAPTER 164

An act to add Sections 4191 and 4384.5 to the Agricultural Code, relating to fees.

[Approved by Governor April 25, 1963. Filed with Secretary of State April 26, 1963.]

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

SECTION 1. Section 4191 is added to the Agricultural Code, to read:

4191. Any manufacturer's fee payable under the provisions of Section 4190 shall constitute a debt of the manufacturer and shall be due and payable to the director upon the date set forth in Section 4190. If such manufacturer does not pay such fee upon the required date the director may file a complaint against such manufacturer in a state court of competent jurisdiction for the collection of such fee.

In the event any manufacturer fails to pay to the director the fees provided for in Section 4190, on or before the date specified in the section, the director may add to such unpaid fees an amount not exceeding 10 percent of such unpaid fees to defray the cost of enforcing the collection of such unpaid fees.

SEC. 2. Section 4384.5 is added to said code, to read:

4384.5. Any fee or assessment payable under the provisions of Sections 4383 and 4384 shall constitute a debt of the person by whom such fee or assessment is payable and shall be due and payable to the director upon the date set forth in Section 4384. If such person does not pay such fee or assessment upon the required date the director may file a complaint against such person in a state court of competent jurisdiction for the collection of such fee or assessment.

In the event any such person fails to pay to the director the fees or assessments provided for in Sections 4383 and 4384, on or before the date specified in Section 4384, the director may add to such unpaid fees or assessments an amount not exceeding 10 percent of such unpaid fees or assessments to defray the cost of enforcing the collection of such unpaid fees or assessments.

CHAPTER 165

An act to add Section 27200.1 to the Elections Code, relating to recall of special district officers.

[Approved by Governor April 25, 1963 Filed with Secretary of State April 26, 1963.]

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

SECTION 1. Section 27200.1 is added to the Elections Code, to read:

27200.1. Except as may otherwise be specifically provided in the particular act under which a special district is organized and exists, whenever proceedings for the recall of a district officer, other than an officer of a supervisorial or judicial district, are effected in accord with the procedure prescribed by this chapter the duties in this chapter delegated to the county clerk shall be performed by the clerk or secretary of the district and the duties herein delegated to the board of supervisors shall be performed by the legislative body of the district.

CHAPTER 166

An act to add Section 54916 to the Government Code, relating to filing of statement of creation of a California water district, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 25, 1963 Filed with Secretary of State April 26, 1963]

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

SECTION 1. Section 54916 is added to the Government Code, to read:

54916. Notwithstanding the provisions of Sections 54902 and 54903 of this code, any creation of a California water district organized pursuant to the California Water District Law (Division 13 (commencing with Section 34000) of the Water Code), which was completed prior to the effective date of this section, shall be effective for assessment and taxation purposes if the statement and map or plat required by Section 54900 is filed by the district on or before February 28, 1963.

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

Recent unforeseen developments in the efforts to solve the problems of the importation of sufficient waters to the southern San Joaquin Valley have made the formation of this district imperative. The proponents of the district have used all reasonable diligence to complete the formation thereof prior to February 1, 1963, but the various time limits imposed upon the formation proceedings by the provisions of the California Water District Law have prevented them from so doing until a short time after said date. Tax revenue is essential to the proper functioning of the district and it is therefore necessary to extend the date prescribed by Section 54902 in order to allow this district to obtain such revenue for the tax year 1963-64.

CHAPTER 167

An act to amend Section 9006 of the Welfare and Institutions Code, relating to community mental health services.

[Approved by Governor April 25, 1963. Filed with Secretary of State April 26, 1963.]

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

SECTION 1. Section 9006 of the Welfare and Institutions Code is amended to read:

9006. Each community mental health service shall have an advisory board of seven members appointed by the governing body. Three members of the advisory board, shall be physicians engaged in private practice of medicine, and one-third of the physician members, when available, shall be specialists in psychiatry. One member shall be the chairman of the local governing body, one member shall be a superior court judge or an attorney selected by the superior court judges of the county, and two members shall be persons representative of the public interest in mental health. The term of each member of the board shall be for three years; provided, however, that of the members first appointed, approximately one-third shall be appointed for one year, one-third for a term of two years, and one-third for a term of three years.

The chairman of a governing body may designate a member of that body to serve in his stead as a member of the advisory board.

CHAPTER 168

An act to amend Sections 10405, 10406, 10502 and 10503 of the Revenue and Taxation Code, relating to the Motor Vehicle Transportation License Tax Law.

[Approved by Governor April 25, 1963. Filed with Secretary of State April 26, 1963.]

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

SECTION 1. Section 10405 of the Revenue and Taxation Code is amended to read:

10405. The board may prescribe the forms of all returns of gross receipts from operations and the forms for keeping records of gross receipts from operations and may make any examinations of the records of operators and other investigations it may deem necessary in carrying out the provisions of this part.

SEC. 2. Section 10406 of said code is amended to read:

10406. It is unlawful for the board, the Controller, or any person having an administrative duty under this part to make

known in any manner whatever the business affairs, operations, or information obtained by an investigation of records and equipment of any person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth or disclosed in any return, or to permit any return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person. Information respecting the tax due from an operator may be furnished, however, to any person owning or having an interest in property subject to the lien of the tax. The Governor may, by general or special order, authorize examination by other state officers, by tax officers of another state, by the federal government, if a reciprocal arrangement exists, or by any other person of the records maintained by the board under this part. The information so obtained pursuant to the order of the Governor shall not be made public except to the extent and in the manner that the order may authorize that it be made public. Successors, receivers, trustees, executors, administrators, assignees, and guarantors, if directly interested, may be given information as to the items included in the measure and amounts of any unpaid tax or amounts of tax required to be collected, interest and penalties.

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

SEC. 3. Section 10502 of said code is amended to read:

10502. Any person who fails or refuses to file any return required to be made, or who fails or refuses to furnish a supplemental return or other data required by the board is guilty of a misdemeanor and subject to a fine of not exceeding five hundred dollars ($500) for each offense.

SEC. 4. Section 10503 of said code is amended to read:

10503. Any person required to make, render, sign, or verify any return who makes any false or fraudulent return with intent to defeat or evade the determination required by law to be made is guilty of a misdemeanor. He shall for each offense be fined not less than three hundred dollars ($300) and not more than five thousand dollars ($5,000), or be imprisoned for not exceeding one year in the county jail, or be subject to both fine and imprisonment in the discretion of the court.

CHAPTER 169

An act to amend Section 1944 of the Labor Code, relating to the employment of alien librarians by any college or university supported in whole or in part by the State.

[Approved by Governor April 25, 1963. Filed with Secretary of State April 26, 1963.]

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

SECTION 1. Section 1944 of the Labor Code is amended to read:

1944. This article shall not apply:

(a) To the employment as a member of the faculty or teaching force in public schools or in schools supported in whole or in part by the State, of any person who has declared his intention to become a citizen, or of any native-born woman of the United States who has married a noncitizen.

For purposes of the preceding sentence, a declaration of intention to become a citizen shall consist of either: (1) the declaration of intention to become a citizen of the United States, or petition for naturalization, or comparable document prescribed by federal law; or (2) an affidavit filed with, and in the form prescribed by, the State Board of Education, by an individual otherwise eligible for issuance of a public school certification document, declaring that he will, at the first opportunity at which the applicable federal law permits, file such a declaration of intention to become a citizen of the United States, petition for naturalization, or comparable document. In the event the State Board of Education determines that an individual who has filed under alternative (2) of the preceding sentence, has, without good cause, failed at the first opportunity provided under federal law to file one of the specified documents prescribed by federal law, it shall forthwith revoke any public school certification documents issued to the individual.

(b) To any member of the faculty or teaching force or student body, or to any professional librarian, or to student assistants, of any college or university supported in whole or in part by the State.

(c) To any specialist or expert temporarily employed by any department of the State or any county, or city, and engaged in special investigation or teaching.

(d) In an emergency when it is necessary to protect life, health, or property against fire, flood, or other calamity.

(e) To the employment by a county of an intern or resident physician for services in the county hospital under an exchange arrangement with medical facilities in foreign countries.

(f) To any professional person who has declared his intention to become a citizen.

(g) To any professional librarian, other than a chief librarian, employed for not more than one year.

(h) To the employment by hospital districts or a county hospital or in a hospital or clinic operated by the University of California of professional persons actually licensed by the State of California.

(i) To the employment of persons in positions pertaining to the care and guidance of children in a child care program or the supervision of a child care program supported in whole or in part by the State, of any person who has declared his intention to become a citizen, or of a native-born woman of the United States who has married a noncitizen.

(j) To student assistants and interns in Department of Mental Hygiene training programs.

CHAPTER 170

An act to add Sections 5473.10 and 5473.11 to the Health and Safety Code, relating to sewer service charges.

[Approved by Governor April 25, 1963. Filed with Secretary of State April 26, 1963.]

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

SECTION 1. Section 5473.10 is added to the Health and Safety Code, to read:

5473.10. The entity may provide for a basic penalty of not more than 10 percent for nonpayment of the charges within the time and in the manner prescribed by it, and in addition may provide for a penalty of not exceeding one-half of 1 percent per month for nonpayment of the charges and basic penalty. It may provide for collection of the penalties herein provided for.

SEC. 2. Section 5473.11 is added to said code, to read:

5473.11. Notwithstanding any other provision of this article, charges for services and facilities furnished by the entity shall constitute a lien against the lot or parcel of land against which the charge was imposed if said charges remain delinquent for a period of 60 days, and the entity shall include a statement on its bill to each property owner which shall notify the property owner of the lien provided by this section.

The lien provided herein shall have no force or effect until recorded with the county recorder and when so recorded shall have the force, effect and priority of a judgment lien and continue for three years from the time of recording unless sooner released or otherwise discharged.

CHAPTER 171

An act to amend Sections 33230, 33231.5 and 33232 of the Health and Safety Code, relating to community redevelopment law.

[Approved by Governor April 25, 1963. Filed with Secretary of State April 26, 1963.]

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

SECTION 1. Section 33230 of the Health and Safety Code is amended to read:

33230. When the legislative body adopts an ordinance declaring the need for an agency the mayor or chairman of the board of supervisors, with the approval of the legislative body, shall appoint five resident electors of the community as members of the agency. The legislative body may, either at the time of the adoption of the ordinance declaring the need for an agency or at any time thereafter, adopt an ordinance increasing to seven the number of members to be appointed to the agency. Upon the exercise of such option by the legislative body, the membership of the agency shall remain at seven.

SEC. 2. Section 33231.5 of said code is amended to read:

33231.5. As an alternative to the appointment of members of the agency, the legislative body may, at the time of the adoption of a resolution pursuant to Section 33201 or 33203 of this part, declare itself to be the agency in which case, all the rights, powers, duties, privileges and immunities, vested by this part in an agency shall be vested in the legislative body of the community.

A legislative body which has declared itself to be the agency pursuant to this section may at any time by resolution determine that it shall no longer function as an agency, in which event, the mayor or chairman of the board of supervisors with the approval of the legislative body shall appoint five (5) or seven (7) resident electors of the community as members of the agency.

A chartered city may enact its own procedural ordinance and exercise the powers granted by this part.

An agency is authorized to delegate to a community any of the powers or functions of the agency with respect to the planning or undertaking of a redevelopment project in the area in which such community is authorized to act, and such community is hereby authorized to carry out or perform such powers or functions for the agency.

SEC. 3. Section 33232 of said code is amended to read:

33232. Three of the members first appointed shall be designated to serve for terms of one, two, and three years, respectively, from the date of their appointments and two shall be designated to serve for terms of four years from the date of their appointments. If and when the membership of the agency is increased to seven, one of the additional members shall be

appointed to a term, or unexpired portion thereof, which is concurrent with the term then held by the member originally appointed for a term of three years or by his successor, and the other additional member shall be appointed to a term, or unexpired portion thereof, which is concurrent with the term then held by the member originally appointed for a term of two years or by his successor. Their successors shall be appointed for four-year terms. Vacancies occurring during a term shall be filled for the unexpired term. A member shall hold office until his successor has been appointed and has qualified.

CHAPTER 172

An act to amend Sections 11800, 11802 and 11803 of the Vehicle Code, relating to vehicle salesmen licenses.

[Approved by Governor April 25, 1963. Filed with Secretary of State April 26, 1963.]

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

SECTION 1. Section 11800 of the Vehicle Code is amended to read:

11800. It shall be unlawful for any person to act as a vehicle salesman without having first procured a license or temporary permit issued by the department or when such license or temporary permit issued by the department has been canceled, suspended, revoked, or invalidated or has expired.

SEC. 2. Section 11802 of said code is amended to read:

11802. (a) The department shall issue a vehicle salesman's license when satisfied that the applicant has furnished the required information, and that he intends in good faith to act as a vehicle salesman, and has paid the fees as required in Section 11809.

(b) The department may refuse to issue or to renew, or may suspend or revoke a license, when satisfied that:

1. The information contained in the application is incorrect.

2. The applicant or licensee, based on the information contained in the application or by subsequent investigation, is not of good moral character.

3. The applicant or licensee has outstanding an unpaid final court judgment rendered in connection with the activity of a vehicle salesman.

(c) Pending the satisfaction of the department that the applicant has met the requirements under this chapter, it may issue a temporary permit to any person applying for a vehicle salesman's license. The temporary permit shall permit the operation by the salesman for a period not to exceed 120 days while the department is completing its investigation and determination of all facts relative to the qualifications of the appli-

cant to such a license. Such temporary permit shall be invalid when the applicant's license has been issued or refused.

(d) The department may issue a probationary vehicle salesman's license subject to conditions to be observed in the exercise of the privilege granted either upon application for issuance of a license or upon application for renewal of a license. The conditions to be attached to the exercise of the privilege shall not appear on the face of the license but shall be such as may, in the judgment of the department, be in the public interest and suitable to the qualifications of the applicant as disclosed by the application and investigation by the department of the information contained therein.

SEC. 3. Section 11803 of said code is amended to read:

11803. (a) If the department suspends or revokes a vehicle salesman license, the licensee shall be entitled to an appropriate hearing. Such hearing shall be conducted pursuant to Chapter 5 (commencing at Section 11500), of Part 1, Division 3, Title 2 of the Government Code.

(b) If the department issues or renews a vehicle salesman license requiring conditions of probation or if the department refuses to issue or renew a vehicle salesman license the applicant shall be entitled to demand in writing a hearing as hereinabove provided before the director or his representative within 60 days after notice of refusal or issuance of the probationary license.

CHAPTER 173

An act to amend Section 215.1 of, and to repeal Sections 215.3 and 215.4 of, the Agricultural Code, relating to swine.

[Approved by Governor April 25, 1963. Filed with Secretary of State April 26, 1963.]

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

SECTION 1. Section 215.1 of the Agricultural Code is amended to read:

215.1. The health certificate shall certify that the swine to which it refers have not been exposed to any communicable disease, are free from evidence of such disease, and have been immunized against hog cholera by a method of immunization designated by regulations of the director as an effective method of immunization and by the United States Department of Agriculture. The certificate shall also show the date of immunization, the predominating breed, approximate weight, color, and markings of the swine referred to therein.

SEC. 2. Section 215.3 of said code is repealed.

SEC. 3. Section 215.4 of said code is repealed.

CHAPTER 174

An act to repeal Section 8404 of, and to amend Section 8405 of the Elections Code, relating to county central committees.

[Approved by Governor April 27, 1963. Filed with Secretary of State April 27, 1963.]

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

SECTION 1. Section 8404 of the Elections Code is repealed.

SEC. 2. Section 8405 of the Elections Code is amended to read:

8405. In counties containing less than five assembly districts, the county central committee shall be elected by supervisor districts, and the number to be elected from any supervisor district shall be determined as follows: There shall be taken the number of votes cast in the supervisor district at the last gubernatorial election for that party's candidate for Governor, or, if the party had no candidate for Governor, for the candidate of the party voted on throughout the State who received the greatest number of votes and who was the candidate of that party alone. This number shall be divided by one-twentieth of the number of votes cast in that county for Governor or, where the party had no candidate for Governor, for the candidate mentioned above. The integer next larger than the quotient obtained by such division shall constitute the number of members of the county central committee to be elected by that party in that supervisor district.

The county central committees in counties containing less than five assembly districts shall be composed of not less than 21 members. If the procedure outlined above would result in less than 21 members being elected for any county central committee, the number of votes cast for that party's candidate in each supervisor district shall be divided by an amount sufficiently smaller than one-twentieth of the votes cast for Governor in that county as to give a membership in the county central committee equal to or the nearest amount which is greater than 21 members.

CHAPTER 175

An act to amend Section 315 of the Elections Code, relating to affidavits of registration.

[Approved by Governor April 27, 1963. Filed with Secretary of State April 27, 1963.]

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

SECTION 1. Section 315 of the Elections Code is amended to read:

315. The county clerk may cause to be written or printed upon the top margin, or in the body of the affidavit, in addition to any matter provided for in this code, any words necessary or convenient to designate the precinct, district or political subdivision for which the affidavit is taken, or to indicate any removal or transfer of registration. Any other reasonable memoranda may be added which is necessary or convenient to enable the county clerk to perform his duties in assorting or classifying or handling affidavits with correctness and dispatch.

Memoranda added to the body of the affidavit of registration, which are not applicable to the requirements of Section 310 of this code, shall not be deemed a portion of the affidavit.

CHAPTER 176

An act to amend Section 10433 of, and to add Sections 10575.1 and 10575.2 to, the Health and Safety Code, relating to birth certificates.

[Approved by Governor April 27, 1963 Filed with Secretary of State April 27, 1963.]

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

SECTION 1. Section 10433 of the Health and Safety Code is amended to read:

10433. The new birth certificate shall bear the name of the child as shown in the report of adoption, the names and ages of his foster parents, the date and place of birth, and no reference shall be made in the new birth certificate to the adoption of the child. The new certificate shall be identical with a birth certificate registered for the birth of a child of natural parents. The specific name and address of the hospital or other facility where the birth occurred shall not be omitted from the new birth certificate unless requested by one of the adopting parents.

SEC. 2. Section 10575.1 is added to said code, to read:

10575.1. Certified copies of certificates of birth for records amended under provisions of Articles 4, 5, 6 and 7 of Chapter 8, Division 9, of this code shall be issued only when the applicant for the certified copy is able to furnish information, exclusive of file numbers, adequate for identification and location of the amended record.

SEC. 3. Section 10575 2 is added to said code, to read:

10575.2. Upon application of a parent, the local registrar or county recorder may request copy of a new birth certificate amended under the provisions of Articles 4, 5, 6 and 7 of Chapter 8, Division 9, of this code, from the State Registrar. When such a request is received, the State Registrar shall send a copy of such new certificate to the local registrar or

county recorder who may then issue certified copies from such document. The copy of the new certificate returned to the local registrar or county recorder under this procedure shall be filed in the same manner as the copies of other certificates representing births which occurred during the same time period.

CHAPTER 177

An act to amend Section 23102 of the Vehicle Code, relating to driving a vehicle while under the influence of intoxicating liquor.

[Approved by Governor April 27, 1963. Filed with Secretary of State April 27, 1963.]

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

SECTION 1. Section 23102 of the Vehicle Code is amended to read:

23102. (a) It is unlawful for any person who is under the influence of intoxicating liquor, or under the combined influence of intoxicating liquor and any drug, to drive a vehicle upon any highway. Any person convicted under this section shall be punished upon a first conviction by imprisonment in the county jail for not less than 30 days nor more than 6 months or by fine of not less than two hundred fifty dollars ($250) nor more than five hundred dollars ($500) or by both such fine and imprisonment and upon a second or any subsequent conviction, within seven years of a prior conviction under this section, by imprisonment in the county jail for not less than five days nor more than one year and by a fine of not less than two hundred fifty dollars ($250) nor more than one thousand dollars ($1,000). A conviction under this section shall be deemed a second conviction if the person has previously been convicted of a violation of Section 23101 of this code.

(b) Any person convicted of a second or subsequent offense within seven years of a prior conviction under this section shall not be granted probation by the court, nor shall the court suspend the execution of the sentence imposed upon such person.

CHAPTER 178

An act to amend Section 270.5 of the Labor Code, relating to security for wages in logging operations.

[Approved by Governor April 27, 1963 Filed with Secretary of State April 27, 1963.]

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

SECTION 1. Section 270.5 of the Labor Code is amended to read:

270.5. No person, agent or officer thereof, or logging contractor, or sawmill operations contractor, engaged in the business of logging or operating a sawmill for converting logs into lumber, except in the case of logging or sawmill operations of persons having a free and unencumbered title to the fee of real property in this State, of a market value sufficient to pay the wages of every person employed in connection with such operations in any period for which a single payment of wages is made, shall fail or neglect, before commencing work in any period for which such single payment of wages is made, or for four calendar weeks, whichever is the longer, (a) to have on hand or on deposit with a bank or trust company, in the county where such business is conducted, or if there is no bank or trust company in the county, then in the bank or trust company nearest such operations, cash or readily salable securities of a market value sufficient to pay the wages of every person employed in connection with such operations for such period, or (b) to deposit with the Labor Commissioner the bond of a surety company authorized to do business within the State, acceptable to him, conditioned upon the payment of all wages found by the Labor Commissioner to be due and unpaid in connection with such operations.

The cash and securities on deposit hereinbefore referred to shall not be commingled with other deposits, securities or property of the employer and shall be held in trust and shall not be used for any other purpose than paying the wages due employees. Such moneys so held in trust shall not be subject to garnishment, attachment or execution by any other creditor of the employer.

Any person, agent or officer thereof, or logging contractor, or sawmill operations contractor, who violates this section is guilty of a misdemeanor.

CHAPTER 179

An act to amend Section 1000 of the Probate Code, relating to preliminary distribution of estates.

[Approved by Governor April 27, 1963. Filed with Secretary of State April 27, 1963.]

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

SECTION 1. Section 1000 of the Probate Code is amended to read:

1000. When three months have elapsed after the first publication of notice to creditors and upon bond—or with or without bond, as the court determines, when the time for filing or presenting claims has expired and all uncontested claims have been paid or are sufficiently secured by mortgage, or otherwise, but the estate is not in a condition to be finally closed and distributed—the executor or administrator, or any heir, devisee or legatee, or the assignee, grantee or successor in interest of any heir, devisee, or legatee, may petition the court for distribution of a legacy, devise or share of the estate or any portion or portions thereof to which he is entitled or a payment on account of the legacies to the heirs, devisees or legatees or any assignees, grantees or successors in interest or where there are priorities, to those of the class or classes having priorities; or, if the decedent was a nonresident and left a will which has been duly proved or allowed in the state of his residence, and it is necessary, in order that the estate or any part thereof may be distributed according to the will, or it is for the best interests of the estate, that any part of the estate in this State should be delivered to the executor or administrator in the state of the decedent's residence, the executor or administrator may petition the court for an order authorizing the delivery of such portion of the estate as the court shall deem safe and proper and for the best interests of the estate, to the executor or administrator in the state of decedent's residence.

The clerk shall set the petition for hearing by the court and give notice thereof for the period and in the manner required by Section 1200 of this code. Any person interested in the estate or any coexecutor or coadministrator may resist the application.

CHAPTER 180

An act to amend Section 2206 of the Health and Safety Code, and Section 58308 of the Government Code, relating to mosquito abatement districts.

[Approved by Governor April 27, 1963 Filed with Secretary of State April 27, 1963.]

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

SECTION 1. Section 2206 of the Health and Safety Code is amended to read:

2206. No district formed or proposed to be formed under this chapter shall be subject to any of the provisions of the District Investigation Law of 1933 (commencing with Section 58500 of the Government Code).

SEC. 2. Section 58308 of the Government Code is amended to read:

58308. This article shall apply to all districts authorized to be formed by the following laws, their predecessors, or any re-enactment of them:

Type of districts	Citation
Highway lighting	Streets and Highways Code, Part 4, Division 14.
Library	Education Code, Chapter 4, Division 11.
Sanitary	Chapter 480 of the Statutes of 1919.
Sanitary	Health and Safety Code, Part 1, Division 6.
County fire protection	Health and Safety Code, Chapter 2, Part 3, Division 12.
Garbage disposal	Health and Safety Code, Chapter 1, Part 2, Division 5.
Park, recreation and parkway	Public Resources Code, Article 1, Chapter 3, Division 5.
Park, recreation and parkway	Public Resources Code, Article 4, Chapter 3, Division 5.

CHAPTER 181

An act to amend Sections 43730, 44000, 44001, 44002, 44003, 44004, 44030, 44031, 44081, 44105, 45400, 45900, 46175, 46355, 46500, 47800, 47801, 47805, 47807, 47808, 47809 and 47810 of, and to amend the title of Chapter 6 (commencing with Section 44000) of Part 6 of Division 14 of, to add Sections 43006, 43007, and 44032 to, and to add Article 10 (commencing with Section 46375) to Chapter 2 of Part 9 of Division 14 of, and to add Section 45102 to, the Water Code, relating to water storage districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 27, 1963. Filed with Secretary of State April 27, 1963.]

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

SECTION 1. Section 43006 is added to the Water Code, to read:

43006. In addition to levying assessments under Part 9 (commencing with Section 46000) of this division, the board may fix tolls or charges for the use of water or for other services rendered by the district, and collect the same from all persons receiving the benefit of the water or other services. The tolls and charges shall be proportional, as nearly as practicable, to the services rendered. Such tolls or charges may be levied and collected in order to provide, in whole or in part, for the payment of amounts due to the State, the department, or the United States, whether for capital charges or service charges or otherwise, pursuant to contracts made in accordance with Chapter 6 (commencing with Section 44000) of this part, or in order to provide, in whole or in part, for the payment of the costs of a project or the principal of and interest on bonds or warrants of the district, or in order to provide for the operation and maintenance of a project pursuant to Section 47180. The provisions of Sections 47181 to 47185, inclusive, shall be applicable to any such tolls or charges.

SEC. 1.1. Section 43007 is added to said code, to read:

43007. If tolls or charges are levied and collected in order to provide, in whole or in part, for the payment of amounts due under more than one contract, such tolls and charges may be fixed, levied and collected in such a manner as to, as nearly as practicable, charge the lands served under a particular contract with the amounts due under such contract. The assessment commissioners appointed under Chapter 2 (commencing with Section 46150) of Part 9 of this division may apply this principle in determining the portion of the total benefits to accrue to the district under a particular contract which will be realized by each parcel of land in separate ownership in the district.

SEC. 1.2. Section 43730 of said code is amended to read:

43730. An action to determine the validity of bonds, assessments, contracts, including contracts with the State, the department, or the United States, the adoption of a project or the taking of any other action by the district or by the board under the provisions of this division may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure

SEC. 1.3. The title of Chapter 6 (commencing with Section 44000) of Part 6 of Division 14 of said code is amended to read:

CHAPTER 6. CO-OPERATION WITH THE UNITED STATES AND THE STATE

SEC. 1.4. Section 44000 of said code is amended to read:

44000. Any district may co-operate and contract with the State, the department, or the United States under any laws of the State or the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof or supplementary thereto, or under any other act of Congress heretofore or hereafter enacted authorizing or permitting the co-operation or contract.

SEC. 1.5. Section 44001 of said code is amended to read:

44001. The co-operation and contract may be for any or all of the following purposes:

(a) Construction, acquisition, purchase, extension, operation, or maintenance of works for irrigation, drainage, storage, flood control, generation and distribution of hydroelectric energy incidental thereto, or any of these.

(b) A water supply.

(c) Assumption as principal or guarantor of indebtedness to the State, the department, or the United States.

(d) To carry out the terms of any contract between the district and the State, the department, or the United States.

SEC. 1.6. Section 44002 of said code is amended to read:

44002. Any contract made between a district and the State, the department, or the United States may designate and describe the land which is to be served with water from the waterworks or system contemplated under the contract and, in that case, only such land may be charged with any of the assessments mentioned in this chapter.

SEC. 1.7. Section 44003 of said code is amended to read:

44003. The board may provide by contract with the State, the department, or the United States for the delivery and distribution of water for the land of the district under any laws of the State or acts of Congress and under any rules and regulations established thereunder.

SEC. 1.8. Section 44004 of said code is amended to read:

44004. Before entering into any contract with the State, the department, or the United States, the board shall make a report complying with the provisions of Sections 42275 to 42280, inclusive, and setting forth the substantial terms and

provisions of the proposed contract. The report may be either the original report of the board or a supplemental or additional report and may embody other features in addition to the proposed contract.

SEC. 2. Section 44030 of said code is amended to read:

44030. If a contract with the State, the department, or the United States requires the payment by the district of periodic service charges, the amount shall be levied from time to time as an assessment on land in the district, to the extent that funds are not otherwise available for the payment of such charges. The assessment commissioners appointed under Chapter 2 (commencing with Section 46150) of Part 9 of this division shall determine the portion of the total benefits to accrue to the district under the contract which will be realized by each parcel of land in separate ownership in the district. The determination shall be stated in apportionment rolls substantially in form and manner as provided in Chapter 2 of Part 9 of this division, except that the apportionment of benefits shall be stated in percentages of benefits to the district as a whole, or in such other manner as may be determined upon by the commissioners. Thereafter all assessments levied in order to meet the payments due or to become due under the contract shall be apportioned among the respective tracts of land in accordance with the rolls. Any such assessment shall be collected in the same manner as an original assessment.

SEC. 3. Section 44031 of said code is amended to read:

44031. If a contract with the State, the department, or the United States requires the payment by the district of capital charges in periodic installments, the total amount of such charges may be levied in the same manner as an original assessment pursuant to Chapter 2 (commencing with Section 46150) of Part 9 of this division, or the respective amounts of such installments may be levied from time to time in the same manner as periodic service charges, as provided in Section 44030, but an assessment or assessments shall in any event be levied in such a manner as to provide for the payment of all such charges as they become due under the contract.

SEC. 4. Section 44032 is added to said code, to read:

44032. If a contract with the State, the department, or the United States requires the establishment of a reserve fund for the payment by the district under the contract of periodic service charges or capital charges, or both, or if the board finds it to be necessary or desirable in the interest of the district, the board may, with the approval of the department, determine to levy an assessment to provide such a reserve fund. In that event the board, with the approval of the department, shall also determine the amount of the initial deposit or deposits to be made in the reserve fund and the amount of the balance, if any, to be maintained therein. The total amount of the initial deposit or deposits to be made in the reserve fund may be levied at one time, or in a series of installments from time

to time, in the same manner as periodic service charges, as provided in Section 44030. Any later deposits necessary in order to maintain a required balance in the reserve fund shall be levied in the same manner. The reserve fund shall be used solely for the payment of the charges for which it is established, until all such charges have been paid. Any balance then remaining in the reserve fund shall be transferred to the general fund of the district.

SEC. 4.5. Section 44081 is amended to read:

44081. Provision may be made in the contract between the district and the State, the department, or the United States for the refusal of water service to any land which may become delinquent in the payment of any assessment levied for the purpose of carrying out any contract between the district and the State, the department, or the United States.

SEC. 4.6. Section 44105 of said code is amended to read:

44105. A contract between the district and the State, the department, or the United States may provide that the district shall not be dissolved nor shall the boundaries be changed except upon written consent of the State, the department, or a specified official of the United States filed with the official records of the district. If the consent of the State, the department, or the United States official is given and land is excluded, the areas excluded shall be free from all liens and charges for payments to become due to the State, the department, or the United States under the contract.

SEC. 4.5. Section 45102 is added to said code, to read:

45102. Notwithstanding the provisions of Section 45100, whenever in any district (1) a report and recommendation as to a project, or a report as to a contract with the United States, has been adopted by the voters at an election held pursuant to Part 5 (commencing with Section 42200) of this division or Chapter 6 of Part 6 (commencing with Section 44000) of this division, (2) an assessment to finance the project or the contract has been levied and assessed and remains unpaid in whole or in part, and (3) in the judgment of the board it is for the best interest of the district or the landowners therein to issue bonds for the purpose of obtaining money to pay the costs of the project or charges pursuant to the contract, the board may, by a resolution adopted by a two-thirds vote of its members, authorize the issuance of bonds in an amount not exceeding the amount of the assessment remaining unpaid, without calling or holding any special election pursuant to Section 45100 or Chapter 2 (commencing with Section 45250) of this part. The resolution shall be submitted to the department and shall become effective if and when it is approved by the department. When any such resolution has been approved by the department, a copy thereof shall be filed with the county treasurer of each affected county. If bonds are thus authorized by a resolution of the board, the bonds shall be in substantially the form set forth in Section 45557, with such changes therein

as may be necessary in view of the absence of a special bond election.

The provisions of this section shall apply to all districts, including any district in which a report and recommendation as to a project, or a report as to a contract with the United States, has been adopted at an election held at any time heretofore, and shall apply in the case of any assessment at any time heretofore or hereafter levied and assessed, if the assessment remains unpaid in whole or in part at the time of adoption of the resolution of the board authorizing the issuance of bonds.

SEC. 4.6. Section 45400 of said code is amended to read:

45400. If a majority of the votes cast at the election are in favor of the issuance of bonds, or if a resolution authorizing the issuance of bonds has been adopted and approved in accordance with Section 45102, the board shall cause bonds in the amount stated in the order calling the election or in such resolution, as the case may be, to be executed and delivered, together with the assessment list segregated as to affected counties, to the treasurer.

SEC. 5. Section 45900 of said code is amended to read:

45900. For the purpose of financing a district project or government contract which has been approved by the voters of the district, the board of directors may, by a two-thirds (⅔) vote of its members, with the approval of the department, issue written obligations which may be denominated, notes, certificates of indebtedness or warrants. The term "direct assessment warrants," as used in this chapter, means such obligations, howsoever denominated.

SEC. 6. Section 46175 of said code is amended to read:

46175. The commissioners appointed pursuant to Article 1 of this chapter shall assess the costs of the project, or in the event the board has divided the project into units of construction, the cost of the unit or units specified for immediate construction, upon the benefited land. In the event that the costs of the project are to be paid in part from the proceeds of a loan from the United States, the portion to be so paid may be separately assessed in the manner provided in Section 44031, and the portion of the costs of the project to be paid from other funds shall be assessed as provided in this chapter.

SEC. 7. Section 46355 of said code is amended to read:

46355. At any time after the commissioners have assessed the cost of the project upon the benefited land within the district and the costs of the portion of the project used for the generation of electric energy, the department, upon the request of the board, shall appoint three commissioners to reassess the costs of the project upon the benefited land. At the expiration of five years after the commissioners have originally assessed the cost of the project upon the benefited land within the district and the costs of the portion of the project used for the generation of electric energy, and thereafter at any time not less than five years after the next previous reassessment, the

department, upon petition of holders of title to 10 percent of the land, shall appoint three commissioners to reassess the costs of the project upon the benefited land.

SEC. 8. Article 10 (commencing with Section 46375) is added to Chapter 2 of Part 9 of Division 14 of said code, to read:

Article 10. Interim Project Assessments

46375. At any time after a district project is adopted, as provided in Part 5 (commencing with Section 42200) of this division, and before the original assessment to finance the project has become a lien, as provided in Section 46280, the board may levy one or more interim project assessments pursuant to this part for the purpose of paying costs of the project.

46376. Each interim project assessment shall be levied in an equal amount upon each acre of land in the district. The total amount of all interim project assessments for any district project shall not exceed two dollars ($2) per acre.

46377. Upon approval of the department, the board may by resolution levy an interim project assessment, if in its judgment the levy is in the best interests of the district.

46378. Every interim project assessment is a lien upon the land affected until the full amount of the assessment is paid. The lien is prior to all other liens, except state, county and municipal taxes and assessments, or taxes levied or assessed by or under statutory authority. The interim project assessments shall be collected in the same manner as other assessments provided for in this division.

46379. The amount of any interim project assessment assessed against any tract of land in the district shall be credited against the original assessment to finance the project thereafter levied against said tract, and the amount of said original assessment to be collected shall be reduced accordingly.

46380. If the amount of the interim project assessment or assessments credited with respect to any tract of land pursuant to Section 46379 exceeds the amount of the original assessment to finance the project with respect to said tract, said excess shall be credited against said interim project assessment or assessments, which, to that extent, shall cease to be a lien with respect to said tract. If the amount theretofore collected by the district on the interim project assessment or assessments with respect to any tract of land exceeds the amount of the original assessment with respect to said tract, such excess shall be a claim against and debt of the district, and the district shall issue a warrant in the amount of said excess to the then holder of title to said tract.

46381. A district may issue direct assessment warrants payable from the proceeds of an interim project assessment pursuant to Chapter 7 (commencing with Section 45900) of Part 8 of this division, but such warrants shall be made payable not more than five years from the date of issuance and may be made subject to call or redemption prior to their stated

maturity date or dates at such premium, if any, as the board may determine, and the aggregate face amount thereof shall not exceed seventy-five percent (75%) of the amount of the interim project assessment from which such warrants are payable, exclusive of interest and amounts paid prior to the issuance of such warrants on said interim project assessment.

SEC. 8 5. Section 46500 of said code is amended to read:

46500. The assessment list of each county shall remain open for payment in the office of the county treasurer of the affected counties for a period of 30 days and shall continue to remain open thereafter until such time, if ever, as the board makes an order calling a special election for the issuance of bonds to be secured by the assessment or until such time as the board files with the county treasurer a resolution, adopted and approved in accordance with Section 45102, authorizing the issuance of bonds to be secured by the assessment. If the result of the election, if any is called, is that the proposal to issue bonds is defeated, or if no bonds are issued within six months after such a resolution has been so filed, the assessment list shall again become open.

SEC. 9. Section 47800 of said code is amended to read:

47800. When a district has levied an assessment and it appears to the board that the assessment or some part thereof, together with the interest thereon, will provide an amount greater than is required to meet all obligations incurred or to be incurred for the purposes for which the assessment or part thereof was levied, the board may, by resolution, declare its intention to cancel all or any portion of the assessment, including any interest thereon, or all or any portion of such interest. For the purposes of this chapter, the term "assessment balance" means the assessment and the interest thereon, and the board, in the manner and subject to the limitations provided in this chapter, may cancel any part of such assessment balance, including all of the assessment and the interest thereon, a part of the assessment and the interest thereon, all of the interest on the assessment or a part of the interest on the assessment.

SEC. 10. Section 47801 of said code is amended to read:

47801. In the resolution of intention the board shall specify the portion of the assessment balance proposed to be canceled and appoint a time not less than three weeks nor more than five weeks from the date of the resolution when it will hold a meeting and hear any objections.

SEC. 11. Section 47805 of said code is amended to read:

47805. At the meeting the board shall hear any evidence offered in support of the written objections, after which the board may, by resolution, cancel all or a part of the assessment balance to the extent that the board finds that the assessment balance will provide an amount greater than is required to meet all obligations incurred or to be incurred for the purposes for which the assessment was levied. The board shall specify in the resolution the portion of the assessment balance

which is to be canceled with respect to each tract against which the assessment was levied, describing each tract as described in the assessment roll or by the number of the tract as used in the assessment roll. In adopting a resolution to cancel the board may make such revisions in the original plan set forth in its resolution of intention as it sees fit.

SEC. 12. Section 47807 of said code is amended to read:

47807. When the resolution to cancel is attached to the assessment roll the secretary shall endorse upon the assessment roll after each tract assessed the amount of the assessment balance which has been canceled with respect to such tract.

SEC. 13. Section 47808 of said code is amended to read:

47808. When a landowner, in a district in which the board has canceled any assessment balance or portion thereof, has paid all or a part of his share of the canceled assessment balance or portion thereof, the board shall issue a warrant of the district in favor of the landowner in an amount equal to the paid portion of his assessment balance which was canceled, with such interest thereon as the board shall, by resolution, determine to be appropriate to recompense landowners who have paid their assessments for any benefit obtained by other landowners as a result of the cancellation of the interest otherwise payable on their assessment.

SEC. 14. Section 47809 of said code is amended to read:

47809. The warrants shall be payable out of the fund of the district into which the proceeds of the assessment had been paid. The board shall not cancel so much of an assessment balance as to leave insufficient funds for this purpose.

SEC. 15. Section 47810 of said code is amended to read:

47810. No assessment balance or part thereof shall be canceled pursuant to this chapter if bonds based thereon and secured thereby have been issued and remain unpaid and provision has not been made for the payment thereof.

SEC. 16. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to facilitate the financing of projects of water storage districts and to accelerate the completion of such projects and thereby the provision of water needed for agriculture, domestic and other purposes in such districts, it is essential that this act go into immediate effect.

CHAPTER 182

An act to amend Section 31407 of the Vehicle Code, relating to farm labor vehicles.

[Approved by Governor April 27, 1963. Filed with Secretary of State April 27, 1963.]

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

SECTION 1. Section 31407 of the Vehicle Code is amended to read:

31407. Farm labor buses and farm labor trucks used primarily or regularly for the transportation of farm laborers shall:

(a) Comply with the provisions of Section 25300 relating to warning signals and the display thereof.

(b) Be equipped with at least one fire extinguisher of the dry chemical or carbon dioxide type with an aggregate rating of at least 4-B,C units and bearing the approval of a laboratory nationally recognized as properly equipped to make such approval. In no event shall extinguishers containing carbon tetrachloride be carried in or about the vehicle.

(c) Be equipped, if the passenger compartment is separated from the driver's compartment, with a horn, buzzer or other signaling device actuated from the passenger compartment whereby the passengers of the vehicle may readily gain the attention of the driver in the event of an emergency.

CHAPTER 183

An act to amend Sections 1120, 1121, and 1122, and to repeal Section 1127, of the Welfare and Institutions Code, relating to the Youth Authority.

[Approved by Governor April 27, 1963. Filed with Secretary of State April 27, 1963.]

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

SECTION 1. Section 1120 of the Welfare and Institutions Code is amended to read:

1120. At each institution under this chapter the Youth Authority shall organize and maintain a division of instruction and such other divisions as it deems necessary and advisable in the conduct of the school.

SEC. 2. Section 1121 of said code is amended to read:

1121. The chief of each such division of instruction shall be well trained in modern school administration.

SEC. 3. Section 1122 of said code is amended to read:

1122. Such divisions of instruction shall have jurisdiction over all courses of instruction. Such courses shall include vo-

cational training, and shall be subject to the approval of the State Superintendent of Public Instruction.

SEC. 4 Section 1127 of said code is repealed.

CHAPTER 184

An act to amend Section 18533 of the Elections Code, relating to the recount of ballots.

[Approved by Governor April 27, 1963. Filed with Secretary of State April 27, 1963]

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

SECTION 1. Section 18533 of the Elections Code is amended to read:

18533. Except as to the precincts specified in the declaration, the canvass shall be conducted in accordance with the other applicable provisions of this chapter. As to the canvass of the precincts so specified the election board shall publicly recount the ballots of each precinct or cause such recount to be made by a special recounting board consisting of not less than four voters of the county appointed by the election board If a special recounting board is appointed, each member of that board shall receive for his services the same compensation per day as is paid in the county to members of precinct boards, other than inspectors, which shall be paid out of the county treasury. In case a special recounting board is appointed, the candidate filing the declaration shall, before the commencement of the recount and at the beginning of each day following during the period of the recount, deposit with the election board a sum equal to one day's compensation for the members of the special recounting board. In case a special recounting board is not appointed, the candidate shall, before the recount is commenced and at the beginning of each day following during the period of the recount, deposit such sums as the election board requires to cover the expense of the recount, which sum shall not exceed the sum which would have been required to be deposited if a special recounting board had been appointed In either case all money so deposited shall be returned to the depositor if upon the recount the candidate filing the declaration is found to have received the plurality of the votes cast for the office. If the candidate filing the declaration has not received the plurality of the votes cast, he shall be entitled to the return of any money deposited in excess of the cost of the recount. Money not required to be refunded shall be deposited in the county treasury.

CHAPTER 185

An act to add Section 3356 to the Health and Safety Code, relating to tuberculosis hospitals and sanatoriums.

[Approved by Governor April 27, 1963. Filed with Secretary of State April 27, 1963.]

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

SECTION 1. Section 3356 is added to the Health and Safety Code, to read:

3356. Every person who possesses any intoxicating liquor in or on any public hospital or sanatorium providing for the treatment of tuberculosis or within the boundaries of the grounds belonging thereto is guilty of a misdemeanor. The provisions of this section shall not prohibit (a) the possession of any intoxicating liquor used for medicinal purposes when issued pursuant to a written order of a physician licensed to practice medicine under the laws of the State of California, (b) the possession of any intoxicating liquor by personnel for his or her own use who resides at such hospital or sanatorium or on the grounds thereof, (c) the possession of any intoxicating liquor used by a minister of the gospel or priest or rabbi in a religious sacrament or ceremony or (d) the service of wine to a patient as part of the hospital's regular menu or bill of fare if the patient is located in a portion of the premises wholly separate and isolated from patients receiving treatment for tuberculosis.

CHAPTER 186

An act to amend Section 39585 of the Government Code, relating to weed and rubbish assessment refunds by cities.

[Approved by Governor April 27, 1963. Filed with Secretary of State April 27, 1963.]

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

SECTION 1. Section 39585 of the Government Code is amended to read:

39585. The legislative body may order refunded all or part of a tax paid pursuant to this article if it finds that all or part of the tax has been erroneously levied. A tax or part shall not be refunded unless a claim is filed with the clerk of the legislative body on or before November 1st after the tax became due and payable. The claim shall be verified by the person who paid the tax, or his guardian, executor, or administrator.

CHAPTER 187

An act to amend Section 9313 of the Public Resources Code, relating to soil conservation.

[Approved by Governor April 27, 1963. Filed with Secretary of State April 27, 1963.]

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

SECTION 1. Section 9313 of the Public Resources Code is amended to read:

9313. The notice of the election shall describe the lands sought to be included or it shall describe the lands of the proposed inclusion in general terms indicating the perimeter boundaries in terms generally understood by persons residing in the area and refer to the description on file with the secretary for further particulars.

CHAPTER 188

An act to add Section 9272.5 of the Public Resources Code, relating to soil conservation districts.

[Approved by Governor April 27, 1963. Filed with Secretary of State April 27, 1963.]

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

SECTION 1. Section 9272.5 is added to the Public Resources Code, to read:

9272.5. Notwithstanding anything to the contrary in Section 9272, the directors may lease district equipment to any other public district for use by such public district for soil conservation purposes on land within the boundaries of a soil conservation district.

CHAPTER 189

An act to amend Sections 9156, 9315, 9317.13, 9508, 9526, 9550, 9605, and 9713 of the Public Resources Code, relating to soil conservation.

[Approved by Governor April 27, 1963. Filed with Secretary of State April 27, 1963.]

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

SECTION 1. Section 9156 of the Public Resources Code is amended to read:

9156. The board shall also forward certified copies of said order to the chief, the State Board of Equalization, the Secre-

tary of State, and the clerk of the board of supervisors of each county, other than the principal county, in which any portion of the district is situated.

SEC. 2. Section 9315 of said code is amended to read:

9315. If the petition is granted the board of directors shall make and enter on their minutes an order changing the boundaries of the district. A copy of the order shall be recorded with the county recorder of each county in which any portion of the district is situated and certified copies of the order shall be transmitted to the chief, to the State Board of Equalization, and to the Secretary of State.

SEC. 3. Section 9317.13 of said code is amended to read:

9317.13. If the inclusion is granted the board of directors shall make and enter on their minutes an order changing the boundaries of the district. A copy of the order shall be recorded with the county recorder of each county in which any portion of the district is situated and certified copies of the order shall be transmitted to the chief, to the State Board of Equalization, and to the Secretary of State.

SEC. 4. Section 9508 of said code is amended to read:

9508. The board of supervisors shall cause the certified copy of the resolution of consolidation to be recorded in the office of the county recorder of each of the counties in which any portion of the consolidated district is situated and shall file a certified copy of the resolution with the chief, with the State Board of Equalization, and with the Secretary of State, and shall furnish a copy of the resolution to each of the boards of directors of the districts consolidated. From and after the filing of the resolution with the Secretary of State, the consolidated district will be deemed formed as a single district, with all of the rights, privileges and powers of a district.

SEC. 5. Section 9526 of said code is amended to read:

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

SEC. 6. Section 9550 of said code is amended to read:

9550. The board of supervisors shall cause a certified copy of the resolution declaring the district partitioned to be recorded in the office of the county recorder of each of the counties in which any portion of the partitioned districts is situated and shall file a certified copy of the resolutions with the chief, with the State Board of Equalization, and with the Secretary of State, and shall furnish a copy of the resolution to each of the boards of directors of the partitioned districts and

to the original district. From and after the filing of the resolution with the Secretary of State, the partitioned districts will be deemed formed, with all the rights, privileges and powers of a district.

SEC. 7. Section 9605 of said code is amended to read:

9605. If the action of the board of supervisors on this request is favorable, they shall cause certified copies of the resolution to be forwarded to the board of directors initiating the request, the boards of supervisors of all the other counties in which any portion of the district lies, the Chief of the Division of Soil Conservation, the State Board of Equalization, and the Secretary of State.

SEC. 8. Section 9713 of said code is amended to read:

9713. If the petition is granted, the board of supervisors shall make and enter in their minutes an order changing the boundaries of the district. A copy of the order shall be recorded with the county recorder of each county in which any portion of the districts affected is situated, and certified copies of the order shall be transmitted to the chief, to the State Board of Equalization, and to the Secretary of State.

CHAPTER 190

An act to amend Section 7503 of the Education Code, relating to the Curriculum Commission.

[Approved by Governor April 27, 1963. Filed with Secretary of State April 27, 1963.]

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

SECTION 1. Section 7503 of the Education Code is amended to read:

7503. (a) Except as provided in subparagraphs (b) and (c) hereof, all members of the Curriculum Commission shall be appointed for a term of four years commencing March 1. Two terms shall commence on each even-numbered year, and three terms shall commence on each odd-numbered year.

(b) The term of each person who is a member of the Curriculum Commission on the effective date of the amendment to this section enacted at the 1963 session of the Legislature and each term that is vacant on that date shall terminate on the last day of February preceding the August during which the term, except for this provision, would have expired.

(c) To follow the four terms that under subsection (b) expire the last day of February 1967, the State Board of Education shall appoint one member for a two-year term commencing March 1, 1967, and three members for four-year terms commencing March 1, 1967.

CHAPTER 191

An act to amend Section 2841 of the Education Code, relating to school district organization.

[Approved by Governor April 27, 1963. Filed with Secretary of State April 27, 1963.]

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

SECTION 1. Section 2841 of the Education Code is amended to read:

2841. On the first day of July succeeding the date upon which the boundaries of an elementary district and a high school district which maintains a junior college become coterminous, the districts shall be merged into a new district to be known as the "_____ Unified School District" and the elementary district and high school district shall cease to exist except for such purposes as are set forth in Sections 1481 to 1493, inclusive, Sections 2811 to 2931, inclusive, and Sections 813, 13005, 13554, and 21802.

For purposes of maintaining grades 13 and 14 the district shall be a junior college district coterminous with the unified district.

CHAPTER 192

An act to amend Section 5050.7 of the Welfare and Institutions Code, relating to the mentally ill.

[Approved by Governor April 27, 1963. Filed with Secretary of State April 27, 1963.]

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

SECTION 1. Section 5050.7 of the Welfare and Institutions Code is amended to read:

5050.7. The officer shall, pursuant to the order for detention, apprehend the person, as provided in this chapter, and cause him to be delivered at the place designated in the order until examination can be had, as herein provided. At the time of such apprehension, or within a reasonable time thereafter, unless a responsible relative or the guardian or conservator of the person is in or has taken possession of his personal property, the officer shall take all necessary precautions with respect to the personal property in the actual possession of or in the premises occupied by such mentally ill person to preserve and safeguard the same pending the determination of the proceedings. The officer shall then furnish to the court a full, complete, and itemized report of the patient's property so preserved and safeguarded and of its disposition, in substantially the form set forth in this section; except that if a responsible relative or the guardian or conservator of the pa-

tient is in or has taken possession of the patient's property, the report shall include only the name of the relative or guardian or conservator and the location of the property; thereupon the responsibility imposed herein upon the officer shall terminate. Pending the examination, such order may be made relative to the care, custody, confinement and the preservation and safeguarding of the property of the alleged mentally ill person as to the judge seems for the best interests, welfare and health of the patient.

As used in this section, "responsible relative" includes the spouse, parent, adult child or adult brother or sister of the patient, except that such term does not include the person who filed the petition to commence proceedings under this article.

Report of Officer

I hereby report to the above entitled court that the personal property of the person apprehended herein consisting of _____ was preserved and safeguarded by _____.

(Insert name of officer, responsible relative, guardian, or conservator)

The said property is now located at _____.

Dated: _____ 19___.

_____

Signature of officer

CHAPTER 193

An act to amend Section 23361 of the Revenue and Taxation Code, relating to the filing of consolidated tax returns for corporate tax purposes.

[Approved by Governor April 29, 1963. Filed with Secretary of State April 29, 1963.]

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

SECTION 1. Section 23361 of the Revenue and Taxation Code is amended to read:

23361. "Affiliated group" means one or more chains of corporations connected through stock ownership with a common parent corporation if during the period when the income was accrued or realized and on the 16th day of the first month after the close of the income year—

(a) At least 80 percent of the stock of each of the corporations, except the common parent corporation, is owned directly by one or more of the other corporations; and

(b) The common parent corporation owns directly at least 80 percent of the stock of at least one of the other corporations; and

(c) Each of the corporations is either (1) a corporation whose principal business is that of a common carrier by railroad or (2) a corporation the assets of which consist principally of stock in such corporations and which does not itself operate a business other than that of a common carrier by railroad. For the purpose of determining whether the principal business of a corporation is that of a common carrier by railroad, if a common carrier by railroad has leased its railroad properties and such properties are operated as such by another common carrier by railroad, the business of receiving rents for such railroad properties shall be considered as the business of a common carrier by railroad.

Except in paragraph (c) "stock" does not include nonvoting stock which is limited and preferred as to dividends.

CHAPTER 194

An act to amend Sections 1243, 1244, 1260, 1261, and 1263 of the Business and Professions Code, relating to clinical laboratory technology.

[Approved by Governor April 29, 1963. Filed with Secretary of State April 29, 1963.]

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

SECTION 1. Section 1243 of the Business and Professions Code is amended to read:

1243. A student or registered clinical laboratory technologist trainee regularly matriculated in any college or university accredited by the Western Association of Schools and Colleges or an essentially equivalent accrediting agency, as determined by the department, or in any legally chartered school approved by the department or receiving training in any clinical laboratory approved by the department may perform venipuncture or skin puncture as a part of the necessary training program when done under the direct and responsible supervision of a licensed clinical laboratory technologist, clinical laboratory bioanalyst, or physician and surgeon.

SEC. 2. Section 1244 of said code is amended to read:

1244. The provisions of this chapter do not apply to bona fide investigational or consultative clinical laboratory procedures performed by members of the faculty in the course of their employment in institutions accredited by the Western Association of Schools and Colleges or an essentially equivalent accrediting agency, as determined by the department.

SEC. 3. Section 1260 of said code is amended to read:

1260. The board shall issue a clinical laboratory bioanalyst's license to each person who is a lawful holder of a degree of bachelor of arts or bachelor of science or equivalent degree issued after a full course of resident instruction in one or more established and reputable institutions maintaining standards equivalent, as determined by the department, to those institutions accredited by the Western Association of Schools and Colleges or an essentially equivalent accrediting agency, as determined by the department, with a major work for such degree in one of the biological sciences and whom the board finds by written, oral, and practical examination to be properly qualified. The board shall establish by regulation the required courses to be included in the college or university training. The additional prerequisites for entrance into the examination for clinical laboratory bioanalyst shall be one of the following.

(a) An applicant applying on or after January 1, 1968, must possess a masters degree, or an equivalent degree as determined by the department, or a higher degree in a biological science, plus a minimum of four years experience as a licensed clinical laboratory technologist, performing clinical laboratory work embracing the various fields of clinical laboratory activity in a clinical laboratory approved by the department. The quality and variety of this experience as well as the clinical laboratory in which it was obtained, must be satisfactory to the department The experience as required under this section must have been obtained within the six-year period immediately antecedent to the examination.

(b) For an applicant applying on or after the effective date of the amendments made to this section at the 1961 Regular Session of the Legislature, a minimum of five years' experience, at least one year of which shall have been immediately antecedent to admission to the examination, as a licensed clinical laboratory technologist or its equivalent as determined by the department performing clinical laboratory work embracing the various fields of clinical laboratory activity in a clinical laboratory satisfactory to the department.

SEC. 4. Section 1261 of said code is amended to read:

1261. The board shall issue a clinical laboratory technologist's license to each person found by it to be properly qualified and it shall hold written, oral, or practical examinations to aid it in judging the qualifications of applicants. The examinations for license to work in a clinical laboratory as a technologist shall cover the fields of biochemistry, hematology, and microbiology, except that the examination for a special clinical laboratory technologist's license shall be concerned only with the subject or subjects in which the license is to be issued. The minimum prerequisites for entrance into the examination shall be one of the following:

(a) Graduation from a college or university maintaining standards equivalent, as determined by the department, to those institutions accredited by the Western Association of

Schools and Colleges or an essentially equivalent accrediting agency with a baccalaureate and a major in clinical laboratory technique, the last year of which course shall have been primarily clinical laboratory procedure; provided, however, that if the curriculum did not include practical clinical laboratory work, six months as a clinical laboratory technologist trainee or the equivalent as determined by the department in a clinical laboratory approved by the department shall be required; or

(b) Graduation from a college or university maintaining standards equivalent, as determined by the department, to those institutions accredited by the Western Association of Schools and Colleges, or an essentially equivalent accrediting agency, with a baccalaureate and a major in one of the biological sciences or essential equivalent as may be determined by the department plus one year as a clinical laboratory technologist trainee or the equivalent as determined by the department in a clinical laboratory approved by the department. One year of practical experience in a public health laboratory may be accepted if such experience or if university or college courses included practical work in clinical biochemistry and hematology; or

(c) A minimum of three years of experience as a clinical laboratory technologist trainee or the equivalent as determined by the department doing clinical laboratory work embracing the various fields of clinical laboratory activity in a clinical laboratory approved by the department and 60 semester hours or equivalent quarter hours of university or college work in which are included the following courses, or essential equivalent as may be determined by the department; general inorganic chemistry—8; quantitative analysis—3; basic biological science—8; bacteriology—4. Additional college or university work which includes courses in the fundamental sciences may be substituted for two of the three years of experience in the ratio of 30 semester hours or equivalent quarter hours for each year of experience; provided, however, that individuals seeking admission to the examination on or after January 1, 1965, shall meet the prerequisites specified in subdivisions (a) or (b) of this section, or the prerequisites as set forth by the Council of Medical Education and Hospitals of the American Medical Association and the Board of Registry of Medical Technologist of the American Society of Clinical Pathologists, and the American Society of Medical Technologists, or equivalent accreditation body approved by the Department of Public Health, provided, however, that the total or combined time of college or university work and practical training and experience in an approved clinical laboratory be not less than five years or as specified in subsection a.

An applicant whose application is based upon a certificate issued by such certifying board or body shall satisfy the department that the standard of the certifying board on the date that the certificate was issued was in no degree or particular

less than that which was required for a technologist license under this chapter on or after January 1, 1962.

SEC. 5. Section 1263 of said code is amended to read:

1263. The department shall register as a clinical laboratory technologist trainee each qualified person who desires a trainee status in any laboratory that is approved by the department to provide training. In order to qualify for registration an applicant must have 60 semester hours or equivalent quarter hours of university or college work in which are included the following courses, or essential equivalent as may be determined by the department; general inorganic chemistry—8; quantitative analysis—3; basic biological sciences—8; bacteriology—4; provided, however, that an applicant seeking registration on or after January 1, 1965, shall have graduated from a college or university maintaining standards equivalent, as determined by the department, to those institutions accredited by the Western Association of Schools and Colleges or an essentially equivalent accrediting agency with a baccalaureate and a major in clinical laboratory technique, one of the biological sciences, or essential equivalent as may be determined by the department. An individual who is not a graduate but possesses at least 90 semester hours or equivalent quarter hours of university or college work may register as a clinical laboratory technologist trainee, provided he will be granted a baccalaureate at the conclusion of 12 months of training in a clinical laboratory having an established affiliation with an accredited college or university. If the prerequisites for certification as set forth by the Council of Medical Education and Hospitals of the American Medical Association and the Board of Registry of Medical Technologists of the American Society of Clinical Pathologists, and the American Society of Medical Technologists or equivalent accreditation body approved by the department have been fulfilled, but the total requirement specified in subsection (c) of Section 1261 has not been fulfilled then the department shall register such person as a clinical laboratory technologist trainee. Registration certificates shall not be issued for a period in excess of two years after completion of the minimum training period required for the trainee to qualify for the clinical laboratory technologist's examination.

CHAPTER 195

An act to add Section 1744.2 to, and to amend Section 204a of, the Code of Civil Procedure, relating to courts.

[Approved by Governor April 29, 1963. Filed with Secretary of State April 29, 1963.]

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

SECTION 1. Section 1744.2 is added to the Code of Civil Procedure, to read:

1744.2. In each county with a population of 1,000,000 or more, as determined by the 1960 federal census, except as otherwise provided in Section 69894.1 of the Government Code, the superior court may appoint one counselor of conciliation and one secretary to assist the conciliation court in disposing of its business and carrying out its functions.

The counselor of conciliation so appointed shall have the power to:

(a) Hold conciliation conferences with parties to, and hearings in, proceedings under this chapter, and make recommendations concerning such proceedings to the judge of the conciliation court.

(b) Provide such supervision in connection with the exercise of his jurisdiction as the judge of the conciliation court may direct.

(c) Cause such reports to be made, such statistics to be compiled and such records to be kept as the judge of the conciliation court may direct.

(d) Hold such hearings in all conciliation court cases as may be required by the judge of the conciliation court, and make such investigations as may be required by the court to carry out the intent of this chapter.

The superior court may also appoint, with the consent of the board of supervisors, such associate counselors of conciliation and other office assistants as may be necessary to assist the conciliation court in disposing of its business. Such associate counselors shall carry out their duties under the supervision of the judge of the conciliation court and shall have all the powers of the counselor of conciliation. Office assistants shall work under the supervision and direction of the counselor of conciliation.

Salaries of persons appointed under this section shall be fixed by the board of supervisors of the county.

SEC. 2. Section 204a of said code is amended to read:

204a. In any county or city and county having a population of 60,000 or over, a majority of the judges of the superior court of the State of California in and for such county, to assist the judges thereof in making selections of trial jurors, and grand jurors, and whenever in their opinion the business of the court requires it, may, in their discretion, appoint a jury commissioner for such county or city and county and such deputy jury commissioners as the board of supervisors of the county or city and county determines to be necessary. In any county or city and county having a population of 60,000 or over, but less than 217,000, the jury commissioner shall receive a salary of three hundred dollars ($300) per month, not exceeding, however, one thousand five hundred dollars ($1,500) in any one fiscal year. In any county or city and county having a population of 217,000 or over, but less than 235,000, the jury commissioner shall receive a salary of five hundred dollars ($500) per month, not exceeding, however, three thousand dollars ($3,000) in any one fiscal year. In any county, or city

and county having a population of over 235,000 and not over 600,000 the jury commissioner shall receive a salary fixed by the board of supervisors. In any county or city and county having a population of over 1,000,000 but not over 2,000,000, the jury commissioner shall receive a salary fixed by the board of supervisors. The salaries of the deputy jury commissioners shall be fixed by the board of supervisors of the county or city and county at a rate equivalent to the salary rate of other county employees holding comparable positions but in no event shall the salary of a deputy be less than two hundred seventy-five dollars ($275) per month. The jury commissioner and the deputy jury commissioners shall hold office at the pleasure of the majority of the judges of the superior court in and for their respective counties, and their salaries shall be audited, allowed and paid out of the general fund of such county or city and county. The jury commissioner, in the discretion of the board of supervisors, shall also assist in the selection of juries in justices' courts and municipal courts, and, for performing this duty, shall receive additional compensation and help, the amount of which, and the numbers thereof, shall be determined by the board of supervisors.

In any county having a population of less than 60,000, the judge of the superior court or a majority of the judges thereof, to assist the judge or judges thereof in making selections of trial jurors, and whenever in their opinion the business of the court requires it, may, in their discretion, with the consent of the board of supervisors of such county, appoint a jury commissioner for such county and such deputy jury commissioners as are determined to be necessary. The salary of the jury commissioners and deputy jury commissioners shall be fixed by the board of supervisors. The jury commissioner and the deputy jury commissioners shall hold office at the pleasure of the judge of the superior court or a majority of the judges thereof, and their salaries shall be audited, allowed, and paid out of the county general fund. The jury commissioner, in the discretion of the board of supervisors, shall also assist in the selection of juries in justice and municipal courts. The jury commissioner, in the discretion of the board of supervisors, shall also be assigned stenographic duties to assist the superior court judge or judges.

CHAPTER 196

An act to amend Section 165.1 of the Agricultural Code, relating to nutria.

[Approved by Governor April 29, 1963. Filed with Secretary of State April 29, 1963.]

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

SECTION 1. Section 165.1 of the Agricultural Code is amended to read:

165.1. All such permits for importing or holding nutria shall be prominently displayed on or near their holding pens. Such permits expire on June 30 of the year for which they were issued. The permit may be renewed upon application to the department and payment to the department of the annual permit fee of ten dollars ($10) not later than June 30 of each year, for the fiscal year beginning July 1st of such year. Failure to pay the renewal fee when due shall increase the permit fee for that year to twenty dollars ($20).

CHAPTER 197

An act to add Section 3581.1 to the Education Code, and to add Section 3003.1 to Division 5 of the Education Code as proposed to be enacted by Senate Bill No. 718 of the 1963 Regular Session, relating to school district organization.

[Approved by Governor April 29, 1963. Filed with Secretary of State April 29, 1963.]

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

SECTION 1. Section 3581.1 is added to the Education Code, to read:

3581.1. The State Board of Education may extend, for any period not extending beyond September 15, 1964, the date specified by Section 3581 for submission of a master plan, whenever it determines that the county committee seeking such extension of time has made substantial progress in its studies relating to the plan, and that difficulties peculiar to that county or locality have prevented formulation of a satisfactory plan on or before September 15, 1963.

SEC. 2. Section 3003.1 is added to the Education Code as proposed to be enacted by Senate Bill No. 718 of the 1963 Regular Session, to read:

3003.1. The State Board of Education may extend for any period not extending beyond September 15, 1964, the date specified by Section 3003 for submission of a master plan, whenever it determines that the county committee seeking such extension of time has made substantial progress in its studies relating to the plan, and that difficulties peculiar to that county or locality have prevented formulation of a satisfactory plan on or before September 15, 1963.

SEC. 3. Section 2 of this bill shall be effective only if Senate Bill No. 718 of the 1963 Regular Session is enacted into law, in which event it shall take effect at the same time as Senate Bill No. 718 and Section 3581.1 added to the Education Code by Section 1 of this act shall be repealed.

CHAPTER 198

An act to amend Section 2807 of the Vehicle Code, relating to inspection and operation of schoolbuses.

[Approved by Governor April 29, 1963. Filed with Secretary of State April 29, 1963.]

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

SECTION 1. Section 2807 of the Vehicle Code is amended to read:

2807. (a) The California Highway Patrol shall inspect every schoolbus at least once each school year to ascertain whether its construction, design, equipment, and color comply with all provisions of law.

(b) No person shall drive any schoolbus unless there is displayed therein a certificate issued by the California Highway Patrol stating that on a certain date, which shall be within 13 months of the date of operation, a member of the California Highway Patrol inspected the bus and found that on the date of inspection the bus complied with the applicable provisions of state law relating to construction, design, equipment, and color. The Commissioner of the California Highway Patrol shall provide by rule or regulation for the issuance and display of distinctive inspection certificates.

CHAPTER 199

An act to amend Section 26738 of the Government Code, relating to fees of sheriffs.

[Approved by Governor April 29, 1963. Filed with Secretary of State April 29, 1963.]

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

SECTION 1. Section 26738 of the Government Code is amended to read:

26738. The fee for making a not-found return on a summons, affidavit and order, order for appearance, subpoena, writ of attachment, writ of execution, order for delivery of personal property, or other process or notice required to be served, certifying that the person or property cannot be found within the judicial district in which the address specified is situated, is two dollars ($2) and mileage. Mileage for one trip only shall be allowed.

CHAPTER 200

An act to amend Section 1181 of the Civil Code, relating to proof and acknowledgment of an instrument.

[Approved by Governor April 29, 1963. Filed with Secretary of State April 29, 1963.]

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

SECTION 1. Section 1181 of the Civil Code is amended to read:

1181. The proof or acknowledgment of an instrument may be made before a notary public at any place within this State, or within the county or city and county in this State in which the officer specified below was elected, or appointed, before either:

1. A clerk of a municipal or justice court;
2. A county recorder;
3. A county clerk;
4. A court commissioner;
5. A judge of a municipal or justice court;
6. A district attorney;
7. A clerk of a board of supervisors.

CHAPTER 201

An act to amend Sections 25365, 34310 and 34319 of the Government Code, relating to notice required for certain actions by counties and cities.

[Approved by Governor April 29, 1963. Filed with Secretary of State April 29, 1963.]

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

SECTION 1. Section 25365 of the Government Code is amended to read:

25365. After publishing a notice of its intended action pursuant to Section 6061 at least one week prior thereto, in a newspaper of general circulation published in the county, the board of supervisors may, by a four-fifths vote, grant, convey, quitclaim, assign, or otherwise transfer to the State or to any city, school district, irrigation, flood control or other special district within the county or exchange with such public entities, any real or personal property, or interest therein belonging to the county upon such terms and conditions as are agreed upon and without complying with any other provisions of this code if the property or interest therein to be granted and conveyed or quitclaimed is not required for county use or in the event of an exchange, the property to be acquired is required for county use. The board of supervisors may also, by a four-

fifths vote, exchange real property of equal value with any person, firm or corporation, for the purpose of removing defects in the title to real property owned by the county, or where the real property to be exchanged is not required for county use and the property to be acquired is required for county use.

SEC. 2. Section 34310 of the Government Code is amended to read:

34310. At its next regular meeting after the deposit of the amount fixed by the board to defray publication costs, the board shall fix a time for a hearing and direct its clerk to cause a notice of hearing on the petition to be published pursuant to Section 6066 before the hearing, in a newspaper of general circulation printed and published in the county.

The notice of hearing on the petition shall state:

(a) That a petition for incorporation of an unincorporated portion of the county as a city has been filed and may be inspected in the office of the clerk of the board of supervisors;

(b) The name of the proposed city;

(c) The names of the proponents stated in the notice of intention to circulate the petition;

(d) The time and place for a hearing on the petition;

(e) That written requests for exclusion, and all persons wishing to be heard on the matter of the size and shape and establishment of the boundaries of the proposed city, will be heard and considered, and

(f) Accurately describe the proposed boundaries.

SEC. 3. Section 34319 of the Government Code is amended to read:

34319. The notice shall be published pursuant to Section 6066 in a newspaper of general circulation, printed and published within the described boundaries, or posted in at least four public places within the boundaries for at least the two weeks prior to the election.

CHAPTER 202

An act to add Section 5207.1 to the Education Code, relating to Saturday educational activities.

[Approved by Governor April 29, 1963. Filed with Secretary of State April 29, 1963.]

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

SECTION 1. Section 5207.1 is added to the Education Code, to read:

5207.1. The governing board of any school district is authorized to provide on Saturdays special educational activities related to the course of study followed by the schools of the district in approved programs for mentally gifted minors as defined in Section 6421 of the Education Code. Attendance at

such activities shall be voluntary and shall not be counted in computing average daily attendance in the district. Such classes shall not be held unless necessary and if such Saturday classes are held, similar, or makeup classes shall be made available on other days where possible.

CHAPTER 203

An act to amend Section 20806 of the Education Code, relating to school district taxation, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 29, 1963. Filed with Secretary of State April 29, 1963.]

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

SECTION 1. Section 20806 of the Education Code is amended to read:

20806. For the purpose of providing funds for the payment by the district of all or part of the premiums, dues, or other charges for health and welfare benefits on officers and employees, or on the spouses and dependent children of such officers and employees, which the governing board of a district may have authorized in accordance with the provisions of Article 1 (commencing with Section 53200) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code and for the expenses incurred by the district in administration of a program involving the payment of such health and welfare benefits, district taxes may be levied and collected annually by the respective district at the same time and in the same manner as other district taxes are levied and collected. The tax shall be in addition to any other district tax now or hereafter authorized by law, and shall not be considered in fixing maximum rates of tax for school district purposes.

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

In order to provide for the levy and collection of school district taxes in the ensuing fiscal year to provide needed health and welfare benefits for school district personnel, which is necessary to recruit and retain employees essential for the education of the children of this State, it is necessary that this act take effect immediately.

CHAPTER 204

An act to amend Sections 702 and 703 of the Code of Civil Procedure, relating to amounts required to redeem from judicial sale of real property.

[Approved by Governor April 29, 1963. Filed with Secretary of State April 29, 1963.]

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

SECTION 1. Section 702 of the Code of Civil Procedure is amended to read:

702. The judgment debtor, or redemptioner, may redeem the property from the purchaser any time within 12 months after the sale on paying the purchaser the amount of his purchase, with two-thirds of 1 percent per month thereon in addition, up to the time of redemption, together with the amount of any assessment or taxes, and any reasonable sum for fire insurance, maintenance, upkeep, or repair of the improvements upon the property, and any sum paid on a prior obligation secured by the property to the extent such payment was necessary for the protection of his interest, which the purchaser may have paid thereon after purchase, and interest on such amounts, and if the purchaser be also a creditor, having a prior lien to that of the redemptioner, other than the judgment under which said purchase was made, the amount of such lien with interest. If judgment debtor, redemptioner, or tenant in possession, refuse the right of entry to the purchaser, his agent or contractor, such purchaser may petition the court, out of which execution or order authorizing the sale, was issued, in the same manner as hereafter provided for determining the amount due to the purchaser in the event of a disagreement, and the court may issue an order authorizing purchaser, his agent or contractor, during reasonable hours, to repair and maintain the premises.

In the event there shall be a disagreement between the purchaser and redemptioner as to whether any sum demanded by the purchaser is a proper charge to be added to the amount required for redemption, the proposed redemptioner shall thereupon pay to the clerk of the court out of which execution, or order authorizing the sale, was issued the amount necessary for redemption, less the amount in dispute, and shall at the same time file with said clerk a petition in writing setting forth specifically the item or items demanded to which he objects, together with his reason for such objections, and asking that such amount be determined by the court; said clerk shall thereupon fix a day, not less than 5 nor more than 10 days from the date of such filing, for the hearing of said objections; a copy of said petition, together with a notice of hearing giving the time and place thereof, shall be served by the person seeking redemption, or his attorney, upon the purchaser not less than two days before the day of hearing; upon

the day fixed the court in which the order of sale or execution was originally issued shall determine, by order duly entered in the minutes of said court, the amount required for redemption, either upon affidavit or evidence satisfactory to the court; and when the amount has been so determined, in the event the amount theretofore deposited with the clerk shall be sufficient the same shall be forthwith paid to the purchaser upon his execution of a proper certificate of redemption; in the event an additional amount to that theretofore paid to the clerk is requisite, the redemptioner shall forthwith pay such additional amount to the clerk who shall then pay the whole amount necessary to the purchaser upon his execution of a proper certificate of redemption; the certificate of redemption so issued may be deposited with the clerk for delivery to the redemptioner, or given to the redemptioner at the time of payment.

SEC 2. Section 703 of said code is amended to read:

703. If property be so redeemed by a redemptioner, another redemptioner may, within 60 days after the last redemption, again redeem it from the last redemptioner on paying the sum paid on such last redemption, with 2 percent thereon in addition, and the amount of any assessment or taxes, and any reasonable sum for fire insurance, maintenance, upkeep, or repair of any improvements upon the property, and any sum paid on a prior obligation secured by the property to the extent such payment was necessary for the protection of his interest, which the last redemptioner may have paid thereon after the redemption by him, with interest on such amounts, and, in addition, the amount of any liens held by such redemptioner prior to his own, with interest; but the judgment under which the property was sold need not be so paid as a lien. In the event there shall be a dispute or disagreement as to whether any sum demanded by the last redemptioner is a proper charge to be added to the amount required to be paid by the subsequent redemptioner, the amount to be paid shall be determined in a like manner as provided in Section 702 for the determination of such amount in the event of disagreement between the original redemptioner and purchaser.

The property may be again, and as often as a redemptioner is so disposed, redeemed from any previous redemptioner within 60 days after the last redemption, on paying the sum paid on the past previous redemption, with 2 percent thereon in addition, and the amounts of any assessments or taxes, and any reasonable sum for fire insurance, maintenance, upkeep, or repair of any improvements upon the property, and any sum paid on a prior obligation secured by the property to the extent such payment was necessary for the protection of his interest, which the last previous redemptioner paid after the redemption by him, with interest thereon, and the amount of any liens, other than the judgment under which the property was sold, held by the last redemptioner previous to his own with interest. In the event there shall be a dispute or disagreement as to whether any sum demanded by the last redemp-

tioner to be added to the amount required to be paid by the subsequent redemptioner, the amount to be paid shall be determined in a like manner as provided in Section 702 for the determination of such amount in the event of disagreement between the original redemptioner and purchaser.

Written notice of redemption must be given to the sheriff and a duplicate recorded with the recorder of the county, and if any taxes or assessments are paid by the redemptioner, or if any sum for fire insurance, maintenance, upkeep, or repair of any improvement upon the property, is paid by the redemptioner, or if any sum is necessarily paid by the redemptioner on a prior obligation secured by the property, or if he has or acquires any lien other than that upon which the redemption was made, notice thereof must in like manner be given to the sheriff and recorded with the recorder; and if such notice be not recorded, the property may be redeemed without paying such tax, assessment, sum, or lien.

If no redemption be made within 12 months after the sale, the purchaser, or his assignee, is entitled to a conveyance; or if so redeemed, whenever 60 days have elapsed and no other redemption has been made, and notice thereof given and the time for redemption has expired, the last redemptioner, or his assignee, is entitled to a sheriff's deed; but, in all cases, the judgment debtor shall have the entire period of 12 months from the date of the sale to redeem the property.

If the judgment debtor redeem, he must make the same payments as are required to effect a redemption by a redemptioner. If the debtor redeem, the effect of the sale is terminated, and he is restored to his estate.

Upon a redemption by the debtor, the person to whom the payment is made must execute and deliver to him a certificate of redemption, acknowledged or proved before an officer authorized to take acknowledgements of conveyances of real property. Such certificate must be recorded in the office of the recorder of the county in which the property is situated.

CHAPTER 205

An act to amend Section 629 of the Code of Civil Procedure, relating to motion for directed verdict as a condition of judgment notwithstanding verdict.

[Approved by Governor April 29, 1963. Filed with Secretary of State April 29, 1963.]

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

SECTION 1. Section 629 of the Code of Civil Procedure is amended to read:

629. The court, before the expiration of its power to rule on a motion for a new trial, either of its own motion, after five

days' notice, or on motion of a party against whom a verdict has been rendered, shall render judgment in favor of the aggrieved party notwithstanding the verdict whenever a motion for a directed verdict for the aggrieved party should have been granted had a previous motion been made.

A motion for judgment notwithstanding the verdict shall be made within the period specified by Section 659 of this code in respect of the filing and serving of notice of intention to move for a new trial. The making of a motion for judgment notwithstanding the verdict shall not extend the time within which a party may file and serve notice of intention to move for a new trial. The court shall not rule upon the motion for judgment notwithstanding the verdict until the expiration of the time within which a motion for a new trial must be served and filed, and if a motion for a new trial has been filed with the court by the aggrieved party, the court shall rule upon both motions at the same time. The power of the court to rule on a motion for judgment notwithstanding the verdict shall not extend beyond the last date upon which it has the power to rule on a motion for a new trial. If a motion for judgment notwithstanding the verdict is not determined before such date, the effect shall be a denial of such motion without further order of the court.

If the motion for judgment notwithstanding the verdict be denied and if a new trial be denied, the appellate court shall, when it appears that the motion for judgment notwithstanding the verdict should have been granted, order judgment to be so entered on appeal from the judgment or from the order denying the motion for judgment notwithstanding the verdict.

Where a new trial is granted to the party moving for judgment notwithstanding the verdict, and the motion for judgment notwithstanding the verdict is denied, the order denying the motion for judgment notwithstanding the verdict shall nevertheless be reviewable on appeal from said order by the aggrieved party. If the court grants the motion for judgment notwithstanding the verdict or of its own motion directs the entry of judgment notwithstanding the verdict and likewise grants the motion for a new trial, the order granting the new trial shall be effective only if, on appeal, the judgment notwithstanding the verdict is reversed, and the order granting a new trial is not appealed from or, if appealed from, is affirmed.

CHAPTER 206

An act to amend Sections 6151 and 6152 of the Business and Professions Code, relating to the unlawful solicitation and procurement of business for attorneys.

[Approved by Governor April 29, 1963. Filed with Secretary of State April 29, 1963.]

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

SECTION 1. Section 6151 of the Business and Professions Code is amended to read:

6151. As used in this article:

(a) A runner or capper is any person, firm, association or corporation acting in any manner or in any capacity as an agent for an attorney at law, whether the attorney is admitted in California or any other jurisdiction, in the solicitation or procurement of business for such attorney at law as provided in this article.

(b) An agent is one who represents another in dealings with one or more third persons.

SEC. 2. Section 6152 of said code is amended to read:

6152. It is unlawful for any person, in his individual capacity or in his capacity as a public or private employee, or for any firm, corporation, partnership or association to act as a runner or capper for any such attorneys or to solicit any business for any such attorneys in and about the state prisons, county jails, city jails, city prisons, or other places of detention of persons, city receiving hospitals, city and county receiving hospitals, county hospitals, justice courts, municipal courts, superior courts, or in any public institution or in any public place or upon any public street or highway or in and about private hospitals, sanitariums or in and about any private institution or upon private property of any character whatsoever.

CHAPTER 207

An act to add Sections 108 and 26458 to, and to amend Section 26503 of, and repeal Section 26500 of, the Vehicle Code, relating to airbrakes.

[Approved by Governor April 29, 1963. Filed with Secretary of State April 29, 1963.]

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

SECTION 1. Section 108 is added to the Vehicle Code, to read:

108. "Airbrakes" means a brake system using compressed air either for actuating the service brakes at the wheels of the vehicle or as a source of power for controlling or applying

service brakes which are actuated through hydraulic or other intermediate means.

SEC. 2. Section 26458 is added to said code, to read:

26458. The braking system on every motor vehicle required to be equipped with power brakes or on any towed vehicle required to be equipped with brakes and which is equipped with power brakes shall be so arranged that one control on the towing vehicle shall, when applied, operate all the service brakes on the power unit and combination of vehicles. This requirement shall not be construed to prohibit motor vehicles from being equipped with an additional control to be used to operate the brakes on the trailer or trailers. This section shall not apply to vehicles engaged in driveaway-towaway operations or towed motor vehicles provided the combination of vehicles meets the stopping distance requirements of Section 26454.

SEC. 3. Section 26500 of said code is repealed.

SEC. 4. Section 26503 of said code is amended to read:

26503. Every vehicle equipped with airbrakes shall be equipped with a standard type safety valve which shall be installed so as to have an uninterrupted connection with the air reservoir or tank. It shall be adjusted and maintained so that it will open and discharge the air system under any condition at a pressure of not to exceed 150 pounds per square inch and close and reseat itself at a point above the maximum air governor setting. The department may by regulation prescribe a higher maximum opening pressure for air pressure systems designed for, and capable of safely operating with, pressure safety valves with a higher opening pressure.

CHAPTER 208

An act to amend Sections 26304, 26450 and 26451 of, and to add Section 26311 to, the Vehicle Code, relating to brakes on vehicles.

[Approved by Governor April 29, 1963. Filed with Secretary of State April 29, 1963.]

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

SECTION 1. Section 26304 of the Vehicle Code is amended to read:

26304. (a) Power brakes on any trailer or semitrailer first registered after December 31, 1955, and required to be equipped with brakes shall be designed to be automatically applied upon breakaway from the towing vehicle and shall be capable of stopping and holding such vehicle stationary for not less than 15 minutes.

(b) Every new truck or truck tractor first registered after December 31, 1955, used in towing a vehicle shall be equipped

with service brakes capable of stopping the truck or truck tractor in the event of breakaway of the towed vehicle.

SEC. 2. Section 26311 is added to said code, to read:

26311. (a) Every motor vehicle, other than a motorcycle, shall be equipped with brakes on all wheels, except as follows:

(1) Trucks and truck tractors having three or more axles need not have brakes on the front wheels, except when such vehicles are equipped with at least two steerable axles, the wheels of one such axle need not be equipped with brakes.

(2) Any vehicle being towed in a driveaway-towaway operation.

(3) Any vehicle manufactured prior to 1930.

(4) Any two-axle truck tractor manufactured prior to 1964.

(b) Means may be used for reducing the braking effort on the front wheels of any bus, truck, or truck tractor, provided that the means for reducing the braking effort shall be used only when operating under adverse road conditions, such as wet, snowy, or icy roads.

(c) Vehicles and combinations of vehicles exempted in subdivisions (a) and (b) from the requirements of brakes on all wheels shall comply with the stopping distance requirements of Section 26454.

SEC. 3. Section 26450 of said code is amended to read:

26450. (a) The braking system on a motor vehicle, other than a motorcycle, shall have at least two separate means of applying the brakes, one of which shall be a service brake and the other a parking brake. Each means of brake operation shall be effective to apply the brakes to at least two wheels. If the two separate means of applying the brakes are connected in any way, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.

(b) One of the means of brake operation shall consist of a mechanical connection from the operating lever to brakeshoes or bands or other effective locking and releasing mechanism and shall be capable of locking the rear driving wheels and of being set to hold the vehicle, or combination of vehicles, stationary to the limit of traction of the braked wheels.

SEC. 4. Section 26451 of said code is amended to read:

26451. The brakeshoes operating within or upon the drums on the vehicle wheels of any motor vehicle may be used for both service brake and parking brake operation.

CHAPTER 209

An act to amend Sections 2251, 8153, 8163, 9261, 12505, 16376, 21359, 22359, 22351, 34011, 35104, 35411, and 35415 of the Vehicle Code, and to amend Section 12155 of the Insurance Code, and to amend Section 1696 3 of the Labor Code, relating to vehicles, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 29, 1963. Filed with Secretary of State April 29, 1963]

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

SECTION 1. Section 2251 of the Vehicle Code is amended to read:

2251. All appointments to the classes of assistant commissioner, inspector, captain, lieutenant, and sergeant shall be made from promotional eligible lists resulting from promotional examination of persons in the next lower class.

SEC. 2. Section 8153 of said code is amended to read:

8153. The application shall declare the total mileage operated with each fleet of vehicles in all foreign jurisdictions and the total mileage operated by each fleet in this State during the preceding calendar year, or a preceding 12-month period as determined by the department, and shall describe and identify each vehicle in each fleet to be operated in this State during the ensuing license year. The application shall also designate a sufficient number of certain vehicles in each fleet to be registered and licensed under Division 3 (commencing with Section 4000) of this code and Part 5 (commencing with Section 10701) of Division 2, Revenue and Taxation Code, to produce total fee payments not less than an amount obtained by applying the proportion of instate fleet miles to total fleet miles, as reported in the application, to the fees which would otherwise be required for complete licensing and registration of the fleet in this State or, in the discretion of the department with respect to any fleet, shall, in lieu of the designation of vehicles as heretofore in this section provided, be accompanied by a fee equal to the amount computed as heretofore in this section provided.

SEC. 3. Section 8163 of said code is amended to read:

8163. Any penalties for delinquency in payment of fees under Sections 9553 and 9554 and Section 10854 of the Revenue and Taxation Code shall be computed with respect to the fees required to be paid pursuant to this article if the fleet operator elects to pay fees pursuant to this chapter.

SEC. 4. Section 9261 of said code is amended to read:

9261. A service fee of five dollars ($5) shall be paid for an identification plate for special construction or mobile equipment or implements of husbandry. Publicly owned special construction equipment and publicly owned special mobile equipment are exempt from the service charge.

SEC. 5. Section 12505 of said code is amended to read:

12505. For the purposes of this division, any person who, while residing in this State, accepts gainful employment within this State, is a resident of this State.

Any nonresident over the age of 21 years having in his immediate possession a valid driver's license issued to him by his home state or country may operate a motor vehicle in this State for not to exceed 10 days from the date of his establishing residence or accepting employment in this State while residing in this State without obtaining a driver's license under this code.

SEC. 6. Section 16376 of said code is amended to read:

16376. If the person against whom judgment is rendered is a nonresident and the person fails within said time to satisfy the same in full or to the extent specified in this chapter, all privileges of operating a motor vehicle in this State given to the person under this code and all nonresident permits for any foreign motor vehicles owned by him shall be suspended while the judgment remains in effect and unsatisfied and until the nonresident gives proof of his ability to respond in damages in the manner and to the extent provided in Chapter 3 for accidents occurring after the date of the giving of proof.

The department shall forward a certified copy of the judgment of a court of record or a certified copy of the docket of a court not of record to the appropriate officer in charge of the registration of vehicles or the licensing of drivers thereof in the state of which the person is a resident.

SEC. 7. Section 21359 of said code is amended to read:

21359. Whenever the Department of Public Works or a local authority as authorized by this code determines and declares a speed limit different from the limit otherwise applicable under Sections 22349 and 22352, appropriate speed restriction signs shall be erected and maintained at the outside entrance of the highway or portion thereof upon which the special speed limit is applicable. The special speed limit is not effective until appropriate signs have been erected.

SEC. 8. Section 22359 of said code is amended to read:

22359. With respect to boundary line streets and highways where portions thereof are within different jurisdictions, no ordinance adopted under Sections 22357 and 22358 shall be effective as to any such portion until all authorities having jurisdiction of the portions of the street concerned have approved the same. This section shall not apply in the case of boundary line streets consisting of separate roadways within different jurisdictions.

SEC. 9. Section 22361 of said code is amended to read:

22361. On multiple-lane highways with two or more separate roadways different prima facie speed limits may be established for different roadways under any of the procedures specified in Sections 22354 to 22359, inclusive.

SEC. 10. Section 34011 of said code is amended to read:

34011. The State Fire Marshal shall, by regulation, establish a schedule of fees to be paid by an applicant for the inspection of a cargo tank and the issuance of a certificate of compliance. The fees shall be sufficient to cover the costs of the administration and enforcement of this division, but shall not exceed two dollars ($2) for any cargo tank having a volumetric capacity which does not exceed 1,500 gallons or ten dollars ($10) for any cargo tank which has a volumetric capacity which exceeds 1,500 gallons.

SEC. 11. Section 35104 of said code is amended to read:

35104. The limitations as to width do not apply to the following vehicles except that these vehicles shall not exceed a width of 120 inches:

(a) Any trailer or semitrailer, including lift carriers and tip-bed trailers, used exclusively for the transportation of implements of husbandry by farmers or implement dealers.

(b) Special mobile equipment.

(c) Special construction or highway maintenance equipment.

This section shall have no application to highways which are a part of the National System of Interstate and Defense Highways (as referred to in Section 108 of the Federal-aid Highway Act of 1956) when such application would prevent this State from receiving any federal funds for highway purposes.

SEC. 12. Section 35411 of said code is amended to read:

35411. The load upon any combination of vehicles shall not exceed 75 feet measured from the front extremity of the front vehicle or load to the rear extremity of the last vehicle or load.

SEC. 13. Section 35415 of said code is amended to read:

35415. The limitations of this chapter as to length of vehicle shall not apply to implements of husbandry incidentally operated or moved over a highway.

SEC. 14. Section 12155 of the Insurance Code is amended to read:

12155. License service is the rendering of assistance by a motor club to any person in obtaining:

(a) Registration of a motor vehicle with the State.

(b) A driver's license.

(c) A transfer of legal or registered ownership upon the records of the Department of Motor Vehicles.

SEC. 15. Section 1696.3 of the Labor Code is amended to read:

1696.3. Any farm labor contractor or person employed by a farm labor contractor who operates a bus or truck in the transportation of individuals in connection with the business, activities, or operations of a farm labor contractor shall be licensed as required by Section 12519 of the Vehicle Code.

SEC. 16. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity

are: This act makes technical changes to remove uncertainties and ambiguities in the law regulating motor vehicles. Because of the large numbers of people affected by this law it is necessary that this act take effect immediately to permit its proper, effective and uniform administration.

CHAPTER 210

An act to amend Section 280 of the Vehicle Code, relating to darkness.

[Approved by Governor April 29, 1963. Filed with Secretary of State April 29, 1963.]

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

SECTION 1. Section 280 of the Vehicle Code is amended to read:

280. "Darkness" is any time from one-half hour after sunset to one-half hour before sunrise and any other time when visibility is not sufficient to render clearly discernible any person or vehicle on the highway at a distance of 500 feet.

CHAPTER 211

An act to amend Section 13146 of the Education Code, relating to credentials for public school teachers.

[Approved by Governor April 29, 1963. Filed with Secretary of State April 29, 1963.]

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

SECTION 1. Section 13146 of the Education Code is amended to read:

13146. If a standard adopted by the State Board of Education for the granting of a credential, other than a provisional credential, is changed by the board sooner than four years from the effective date of the standard, a person who on the effective date of the change has completed two years of college work and is enrolled in a teacher education curriculum at any institution of higher learning approved by the board for teacher training shall qualify for the credential by meeting either the new standard or the standard in effect immediately prior to the change.

CHAPTER 212

An act to amend Section 6652 of the Fish and Game Code, relating to kelp.

[Approved by Governor April 29, 1963. Filed with Secretary of State April 29, 1963]

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

SECTION 1. Section 6652 of the Fish and Game Code is amended to read:

6652. Every person engaged in harvesting kelp shall determine the weight by any method, including the displacement method, approved by the department of all wet kelp immediately after it is delivered to the licensee's place of business or elsewhere, and the weight shall be entered in a book to be kept by the licensee. The book shall be open at all times to the inspection of the department.

Every person engaged in harvesting kelp shall, on or before 10 days after each month of the term of the license, render a statement of the weight of all wet kelp harvested during the preceding month.

CHAPTER 213

An act to amend Section 33481 of the Health and Safety Code, relating to community redevelopment.

[Approved by Governor April 29, 1963. Filed with Secretary of State April 29, 1963]

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

SECTION 1. Section 33481 of the Health and Safety Code is amended to read:

33481. The resolution designating a redevelopment area or areas shall contain the following:

(a) A finding that the area requires study to determine if a redevelopment project or projects within said area are feasible;

(b) A description of the boundaries of the area designated.

CHAPTER 214

An act to amend Section 23300 of the Elections Code, relating to consolidation of elections.

[Approved by Governor April 30, 1963. Filed with Secretary of State May 1, 1963.]

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

SECTION 1. Section 23300 of the Elections Code is amended to read:

23300. Whenever two or more elections, including bond elections, of any legislative or congressional district, public district, city, county or other political subdivision are called to be held on the same day, in the same territory, or in territory that is in part the same, they may be consolidated pursuant to this chapter upon the order of the governing body or bodies or officer or officers calling the elections.

The elections, whether held under a freeholder charter or under any state law, or both, may be consolidated and different elections called by the same governing body may be consolidated.

In each year when electors of President and Vice President of the United States are to be chosen, the presidential primary shall be consolidated with the direct primary and no order is necessary.

CHAPTER 215

An act to amend Section 2922 of the Revenue and Taxation Code, relating to unsecured property taxes.

[Approved by Governor April 30, 1963. Filed with Secretary of State May 1, 1963.]

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

SECTION 1. Section 2922 of the Revenue and Taxation Code is amended to read:

2922. (a) Taxes on the unsecured roll if unpaid are delinquent August 31st at 5 p m., regardless of when the property is discovered and assessed, and thereafter a delinquent penalty of 8 percent attaches to them; provided, that taxes transferred to the unsecured roll under Section 2921.5 of this code shall not be subject to such 8 percent penalty, except where such taxes carried delinquent penalty on the "secured roll" at time the real estate involved was acquired by a political subdivision. If August 31st falls on Saturday, Sunday or a legal holiday, the time of delinquency is 5 p.m. on the next business day.

(b) If taxes on the unsecured roll to which the 8 percent penalty attaches pursuant to subdivision (a) are unpaid by December 31st at 5 p.m., thereafter an additional penalty of one-half of 1 percent attaches to them on the first day of each month to the time of payment or to the time a court judgment is entered for the amount of the unpaid taxes and penalties, whichever occurs first. If December 31st falls on Saturday, Sunday or a legal holiday, the time of delinquency is 5 p.m. on the next business day.

CHAPTER 216

An act to repeal Section 3 of Chapter 1347, Statutes of 1961, relating to unfair trade practices.

[Approved by Governor April 30, 1963. Filed with Secretary of State May 1, 1963.]

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

SECTION 1. Section 3 of Chapter 1347, Statutes of 1961, is repealed.

CHAPTER 217

An act conveying in trust certain tidelands and submerged lands lying under the waters of the Pacific Ocean to the City of Oceanside in furtherance of navigation, commerce and fisheries upon certain trusts and conditions, and providing for the government, management, use and control thereof, and reserving rights to the State.

[Approved by Governor April 30, 1963. Filed with Secretary of State May 1, 1963.]

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

SECTION 1. There is hereby granted and conveyed in trust to the City of Oceanside (hereinafter referred to as the "city") in the County of San Diego, State of California, all the right, title and interest of the State of California (hereinafter referred to as the "State"), except as hereinafter reserved and upon the conditions specified herein, held by said State by virtue of its sovereignty in and to all of the certain tide and submerged lands under the waters of the Pacific Ocean, whether filled or unfilled, which are described as follows and referred to hereinafter as "granted lands":

Beginning at the point of intersection of the northern city limit of the City of Oceanside and the ordinary high water mark of the Pacific Ocean; thence extending out into the Pacific Ocean at a 90 degree angle from the general direction

of the shore in the vicinity of said northern city limit for three statute miles to a point; thence in a southeasterly direction parallel to the ordinary high water mark to a point on a line drawn at a 90 degree angle from the general direction of the shore at the intersection of the southern city limit and the ordinary high water mark; thence along said line drawn at a 90 degree angle from the general direction of the shore to the intersection of the ordinary high water mark with the southern city limits; thence northwesterly following the ordinary high water mark to the point of beginning.

SEC. 2. The city shall have and there is hereby granted to it and its authorized agents and lessees the right to make within and upon the granted lands, or within and upon the granted lands in combination with neighboring lands of the city, all improvements, betterments and structures of every kind and character proper, needful, useful, convenient or incidental to and for the development of commerce, navigation and fisheries, including, without limiting the generality of the foregoing, the following:

(a) The establishment, improvement and conduct of a harbor, and the construction, reconstruction, repair and maintenance of works and facilities incidental to a harbor;

(b) The construction, reconstruction, repair and maintenance of highways, streets, roadways, bridges, beltline railroads and other transportation facilities or betterments incidental to a harbor;

(c) The construction, reconstruction, repair and maintenance of small boat harbors, marinas, aquatic playground and similar recreational facilities, together with structures and facilities incidental thereto;

(d) The construction, reconstruction, repair and maintenance of wharves, docks, piers, warehouses, and commercial and industrial buildings, plants and facilities.

SEC. 3. No grant, conveyance or transfer of the granted lands or any part thereof shall be made by the city and the city shall continue to hold the granted lands in trust and the whole thereof unless the same revert or be receded to the State of California.

The city may, however, lease the granted lands, or any part thereof, and any utilities, structures, improvements or appliances thereon, for periods not to exceed 50 years, or such greater periods as may be permitted by general law, for purposes consistent with the trusts upon which the granted lands are held by the State of California and with the requirements of commerce and navigation at said harbor. Any such lease made by the city shall contain, in addition to terms and conditions deemed desirable or necessary by the city, the following provisions:

(a) The lease may be terminated by the city upon violation of any of the provisions of the lease by the lessee; and

(b) Neither the lease nor the leased premises may be assigned, transferred or sublet without the prior written consent of the city.

SEC. 4. The granted lands shall be improved and all improvements, betterments and structures thereon shall be made or erected by the city or its authorized agents or lessees, without expense to the State of California; provided, however, that nothing contained in this act shall preclude the city from accepting and expending any grant of funds from the State of California for the development of the granted lands for any public purpose not inconsistent with the trusts for commerce, navigation and fishery. In the management, conduct, operation and control of the granted lands or any improvements, betterments or structures thereon, the city and its successors shall make no discrimination in rates, tolls or charges for any use or service in connection therewith.

This grant is made upon the express condition that within 10 years from the effective date of this act the granted lands shall be substantially improved by the city without expense to the State and that if the State Lands Commission determines that the city has failed to improve said lands as herein required, all right, title, and interest of said city in and to all lands granted by this act shall cease and all said right, title and interest in the granted lands shall revert and rest in the State.

SEC. 5. Except as provided in Section 7 hereof, the city shall have the right hereunder to all rents, revenues, issues and profits in any manner hereafter arising from the granted lands or any improvements, betterments or structures thereon, from and after the effective date of the grant, and the city may use such rents, revenues, issues and profits for any purpose or use set forth in Section 2 hereof, including the payment, refunding or discharge of any indebtedness incurred or sustained by the city in connection with any such purpose or use.

SEC. 6. There is hereby reserved to the people of the State of California the right to fish in the waters upon the granted lands with the right of convenient access to said waters over the granted lands for said purpose.

SEC. 7. There is hereby excepted and reserved to the State of California the following:

(a) All deposits of minerals, including oil and gas in said land, together with the right of the State of California or persons authorized by the State of California to prospect for, mine and remove such deposits from the granted lands;

(b) The right to use without charge any transportation, landing or storage improvements, betterments or structures constructed upon the granted lands for any vessel or other watercraft or railroad owned or operated by the State of California;

(c) The right at any time in the future to use the granted lands or any portion thereof for highway purposes without compensation to the city, its successors, or any person, firm

or public corporation claiming under it, except as to improvements, betterments or structures made or erected within or upon the portions of the granted lands so used by the State for which compensation shall be made to the person entitled thereto for the value of his interest in the improvements, betterments or structures so used or the damages to such interest.

SEC. 8. In the event of a violation of any of the provisions of this act, the granted lands and the whole thereof shall revert to the State of California.

SEC. 9. The State Lands Commission shall, at the expense of the city, survey and monument the granted lands, prepare a metes and bounds description and plat of the granted lands, and record such description and plat in the office of the County Recorder of San Diego County.

SEC. 10. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

CHAPTER 218

An act to amend Section 12008 and to repeal Sections 12009 to 12016, inclusive, of the Water Code, relating to validating proceedings.

[Approved by Governor April 30, 1963. Filed with Secretary of State May 1, 1963.]

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

SECTION 1. Section 12008 of the Water Code is amended to read:

12008 The validation proceedings shall be an action in rem and shall be brought pursuant to the procedure provided by Sections 861, 862, 865, 866, 867, 868, and 870 of the Code of Civil Procedure.

SEC. 2. Sections 12009 to 12016, inclusive, of said code are repealed.

CHAPTER 219

An act to add Section 14675.5 to the Education Code, and to amend Section 1372 of the Financial Code, relating to investment of funds of school district retirement plans.

[Approved by Governor April 30, 1963. Filed with Secretary of State May 1, 1963.]

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

SECTION 1. Section 14675.5 is added to the Education Code, to read:

14675.5. Notwithstanding the provisions of Section 14675, a district retirement board may invest an amount not exceeding 10 percent of the assets of such plan in securities other than corporation shares, whether or not they are expressly authorized, and whether or not they qualify as investments for savings banks, in which in the informed opinion of the district retirement board it is prudent to invest retirement funds.

SEC. 2. Section 1372 of the Financial Code is amended to read:

1372. The provisions of this chapter govern the investment of funds by savings banks but wherever by any law of this State it is now provided that the moneys of any pension fund, retirement plan, trust fund, or the moneys of any special fund the investment of which is governed by law, or the funds of any political subdivision or public corporation may or shall be invested in securities which are a legal investment for savings banks, then such law shall be deemed to authorize or require, as the case may be, that such moneys be invested in securities in which savings banks were authorized to invest their funds by the provisions of the Bank Act as it read prior to January 1, 1949, including securities authorized for investment by paragraph (f) of subdivision 5 of Section 61 of the Bank Act (for which purpose said paragraph (f) shall be deemed to have been re-enacted on December 31, 1948), or by any other law of this State or in which savings banks are authorized to invest their funds by the provisions of Sections 1350 to 1366, inclusive, of this chapter; provided, that the provisions of said sections limiting the amount which a savings bank may invest in securities to a specified percent of its paid-up capital and surplus, or savings deposits, shall not apply to investments authorized by the terms of this section.

The funds of the State Employees' Retirement System, Legislators' Retirement System, and State Teachers' Retirement System may be invested in an amount not exceeding 20 percent of the assets of each of the respective systems as a whole and not by separate funds within each system, in securities, other than corporation shares, whether or not such securities are herein expressly authorized and whether or not they qualify hereunder, in which in the informed opinion of the board or officer charged with the investment of funds of such systems respectively it is prudent to invest retirement funds.

The funds of any retirement system established pursuant to the County Employees' Retirement Law of 1937 may be invested in an amount not exceeding 10 percent of the assets of such system, in securities other than corporation shares, whether or not such securities are herein expressly authorized, and whether or not they qualify hereunder, in which in the informed opinion of the Board of Retirement it is prudent to invest retirement funds.

The funds of any school district retirement plan may be invested in an amount not exceeding 10 percent of the assets

of such system, in securities other than corporation shares, whether or not such securities are herein expressly authorized, and whether or not they qualify hereunder, in which in the informed opinion of the District Retirement Board it is prudent to invest retirement funds.

CHAPTER 220

An act to amend Section 400 of the Agricultural Code, relating to estrays.

[Approved by Governor April 30, 1963. Filed with Secretary of State May 1, 1963.]

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

SECTION 1. Section 400 of the Agricultural Code is amended to read:

400. Nothing in this article affects the laws or regulations in force or which may be in force regarding estrays, the poundkeeper, or other pound officer within the limits of any city or county where laws regarding estrays are in force; provided, however, that if no person appears and claims impounded bovine animals, horses, mules, or burros within five days, the poundkeeper or other pound officer shall so notify the director and upon receipt of such notice the director shall take possession of the animals and shall dispose of the animals in accordance with the provisions of this article.

Nothing in this section authorizes any act which violates Section 597 of the Penal Code.

CHAPTER 221

An act to amend Section 322 of the Agricultural Code, relating to reports of sales of cold storage meat.

[Approved by Governor April 30, 1963. Filed with Secretary of State May 1, 1963.]

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

SECTION 1. Section 322 of the Agricultural Code is amended to read:

322. Wholesalers, dealers, or importers selling, handling, or furnishing foreign cold storage meat shall forward by registered mail to the director a certified statement on the first days of July, October, January, and April of all sales of such meat, except sales to retailers, hotels, restaurants, lunchrooms, dining cars, or boardinghouses, made by them during the last preceding three months and in each case shall state the name and address of the purchaser and the amount of each sale.

CHAPTER 222

An act to amend the title of Article 16 (commencing with Section 26100) of Chapter 2 of Division 12, and Sections 26100, 26101, 26102, 26103, 26106, 26107, 26108, 26109, 26110, 26111, 26112, 26113, 26114, 26115, 26116, 26117, 26118, and 26119 of the Vehicle Code, relating to approval procedure for equipment.

[Approved by Governor April 30, 1963. Filed with Secretary of State May 1, 1963.]

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

SECTION 1. The title of Article 16 (commencing with Section 26100) of Chapter 2 of Division 12 of the Vehicle Code is amended to read:

Article 16. Test and Approval of Lighting Equipment and Other Devices

SEC 2. Section 26100 of said code is amended to read:

26100 No person shall sell or offer for sale for use upon or as part of the equipment of a vehicle, nor shall any person use upon a vehicle any signal device, lighting equipment, or other device requiring approval by this code unless of a type which has been submitted to and approved by the department. This section does not apply to a rear lamp or stoplamp in use on or prior to December 1, 1935.

SEC. 3. Section 26101 of said code is amended to read:

26101. No person shall sell or offer for sale for use upon or as part of the equipment of a vehicle, nor shall any person use upon a vehicle any device which is intended to modify the original design or performance of any signal device, lighting equipment, or other device requiring approval by this code unless of a type which has been submitted to and approved by the department. This section does not apply to a rear lamp or stoplamp in use on or prior to December 1, 1935.

SEC. 4. Section 26102 of said code is amended to read:

26102. (a) The department may require any person desiring approval of any lighting equipment or other device requiring approval by this code to submit to the department two or more units of each type of equipment for which approval is desired, together with the appropriate fee.

(b) With such equipment, the applicant shall submit a statement as to the adjustment of the same deemed appropriate and the candlepower or other rating of the light source intended to be used therewith and other information relative thereto requested by the department.

SEC. 5. Section 26103 of said code is amended to read:

26103. The department shall make or cause to be made scientific laboratory tests of any equipment submitted for approval as the department determines is appropriate, or as

may be required in this code, to determine whether any grounds for disapproving the equipment exists.

SEC. 6. Section 26106 of said code is amended to read:

26106. The department shall approve or disapprove lighting equipment and other devices of a type requiring approval and shall issue and enforce regulations establishing standards and specifications for the approval of lighting equipment and other devices, their installation, original adjustment and aiming, and adjustment when in use on vehicles, in accordance with the provisions of this code. Regulations as pertain to multiple-beam lighting equipment shall correlate with and, so far as practicable, conform to the then current nationally recognized standards and specifications applicable to the equipment.

SEC. 7. Section 26107 of said code is amended to read:

26107. In the event any equipment in actual use meets the requirements of this code or a department regulation adopted pursuant to this code, a subsequent regulation shall not require the replacement of the equipment and shall be applicable only to equipment installed after the effective date of the regulation.

SEC. 8. Section 26108 of said code is amended to read:

26108. The department shall disapprove any equipment if it determines:

(a) That it does not conform to the requirements of this code or any department regulation adopted pursuant to this code.

(b) That it is not so constructed as to be safe or practical in actual use, even though it may meet the specifications established by the department or other tests declared in this code.

(c) That it is impractical as to mechanical construction or for mounting on a vehicle, even though it may meet the specifications established by the department or other tests declared in this code.

(d) That the manufacturer of the equipment makes a common practice of using misleading statements in advertising the effect or results obtained from the equipment even though it may meet the specifications established by the department or other tests declared in this code.

SEC. 9. Section 26109 of said code is amended to read:

26109. The department shall disapprove any equipment that is impractical, inefficient or does not conform to the requirements of this code or detracts from the performance of any approved equipment even though the resultant performance might be within the specifications established by the department or other tests declared in this code.

SEC. 10. Section 26110 of said code is amended to read:

26110. The department may reconsider any disapproval within 60 days after it has disapproved any equipment without receiving a new application.

SEC. 11. Section 26111 of said code is amended to read:

26111. (a) Whenever the test of any equipment is completed, the department shall prepare or cause to be prepared

a report in duplicate containing the results of tests conducted on the equipment.

(b) Any report showing unsatisfactory performance shall include or be accompanied by a statement as to the reasons for disapproving the equipment.

(c) Any report showing satisfactory performance may include or be accompanied by a statement of any particular methods of mounting, adjustment, or aim necessary for compliance with this code, the candlepower of the light source to be used in lighting equipment, and any other instructions determined by the department.

SEC. 12. Section 26112 of said code is amended to read:

26112. Every test report shall be signed in duplicate by the person who made the test. One copy of the report shall remain on file in the department as a matter of public record, and the other copy shall be delivered by the department to the applicant for the test within 60 days after submission of the equipment for approval accompanied by the proper fee and any other material required by this code or department regulations.

SEC. 13. Section 26113 of said code is amended to read:

26113. The department, upon approving any equipment, shall issue to the applicant a certificate of approval together with any instructions included in or accompanying the test report.

Upon request of any police department, the department shall forward a copy of any certificate of approval together with any instructions to the police department.

SEC. 14. Section 26114 of said code is amended to read:

26114. The department shall publish lists of all equipment by name and type which has been approved by the department.

SEC. 15. Section 26115 of said code is amended to read:

26115. (a) Whenever the department receives information that any equipment of a type sold commercially and which has been approved by the department does not under ordinary conditions of use comply with the requirements of this code and department regulations adopted pursuant to this code, the department in its discretion may upon 30 days notice to the manufacturer thereof require that the manufacturer submit the equipment, together with the appropriate testing fee, for retest by the department.

(b) In the event such equipment is not submitted by the manufacturer as required in subdivision (a) or upon any retest fails to meet the requirements of this code and department regulations adopted pursuant to this code, the department may suspend or revoke the certificate of approval previously issued.

SEC. 16. Section 26116 of said code is amended to read:

26116. When any approved equipment is no longer manufactured for commercial sale, the department may revoke the prior approval, but such revocation shall not prevent the use of the equipment sold during the time it was approved.

The department may, however, at its discretion revoke approval of any equipment if it is found unsafe, impractical, or objectionable in actual use or is defective for any of the reasons for which an original approval may be denied.

SEC. 17. Section 26117 of said code is amended to read:

26117. The department may purchase any equipment sold for use on vehicles or of a type for which the approval of the department is required under this code and test or retest the same as to conformance with the requirements of this code and department regulations adopted pursuant to this code, and any expense incurred in such purchase and test shall be a legal charge against the Motor Vehicle Fund.

SEC. 18. Section 26118 of said code is amended to read:

26118. The department may issue a permit for the use of equipment for experimental purposes. The use of such equipment under the permit is not a violation of this code.

SEC. 19. Section 26119 of said code is amended to read:

26119. The department shall determine the cost of any test on lighting equipment and other device requiring approval, including photometric, mechanical, electrical, chemical, structural, or other special test, retest or inspection, and may require the person submitting the equipment for test to provide the department with the amount of money necessary to cover the cost of any such test.

CHAPTER 223

An act to amend Sections 375, 24953, 25108, 25250, and 25251 of the Vehicle Code, relating to lights on vehicles.

[Approved by Governor April 30, 1963. Filed with Secretary of State May 1, 1963]

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

SECTION 1. Section 375 of the Vehicle Code is amended to read:

375. "Lighting equipment" is any of the following lamps or devices:

(a) Any headlamp, auxiliary driving, passing, or fog lamp, rear lamp, stop lamp, license plate lamp, clearance lamp, sidemarker lamp, or signal lamp or device.

(b) Any dimout or air-raid lamp, fender turning lamp, diffused nonglaring lamp, and flashing red schoolbus lamp.

(c) Any equipment regulating the light emitted from any lamp or device in subdivisions (a) or (b) or the light sources therein.

(d) Reflectors, including red reflectors for use on bicycles and reflectors used for required warning devices.

(e) Any steady burning red warning lamps used on authorized emergency vehicles.

(f) Any flashing red warning lamps and flashing amber warning lamps used on any vehicle.

SEC. 2. Section 24953 of said code is amended to read:

24953. (a) Any lamp type signal device used to give a signal of intention to turn right or left shall project a flashing white or amber light visible to the front and red or amber flashing light visible to the rear.

(b) A side-mounted turn signal lamp of an approved type projecting a flashing amber light to either side may be used to supplement the front and rear turn signals. Such lamps shall not be mounted to the rear of the center of the vehicle.

SEC. 3. Section 25108 of said code is amended to read:

25108. Any motor vehicle may be equipped with not more than two amber turn signal pilot indicator lamps mounted on the exterior. The light source in any such lamp shall not exceed two candlepower unless provision is made for operating the lamp at reduced intensity during darkness in which event the light source shall not exceed two candlepower during darkness or six candlepower at any other time. The center of the beam shall be projected toward the driver.

SEC. 4. Section 25250 of said code is amended to read:

25250. Flashing lights are prohibited on vehicles except as otherwise permitted.

SEC. 5. Section 25251 of said code is amended to read:

25251. Flashing lights are permitted on vehicles as follows:

(a) To indicate an intention to turn or move to the right or left upon a roadway, approved turn signal lamps and turn signal exterior pilot indicator lamps may be flashed on the side of a vehicle toward which the turn or movement is to be made.

(b) As warning lights on disabled or parked vehicles as permitted in Section 25300 or on other vehicles which are disabled upon the roadway, four or more approved turn signal lamps may be flashed, at least two of which must flash simultaneously toward the front and at least two of which must flash simultaneously toward the rear of the vehicle.

(c) For use on authorized emergency vehicles.

CHAPTER 224

An act to amend Sections 88, 92.3, 92.5, 94.5, and 94.6 of the Agricultural Code, and to amend Section 25903 of the Government Code, relating to fairs and expositions.

[Approved by Governor April 30, 1963. Filed with Secretary of State May 1, 1963.]

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

SECTION 1. Section 88 of the Agricultural Code is amended to read:

88. The proceeds of the sale of any interest in real property owned by any association shall be paid into the Fair and Exposition Fund in the State Treasury. The amount paid into such fund under the provisions of this section shall be available for expenditure by the association, with the approval of the State Department of Finance and the State Public Works Board, for permanent improvements for fair purposes on the property of the association or the purchase of equipment for fair purposes, or the acquisition or purchase of real property, including costs of appraisal, or other incidental costs, to be used as sites for such permanent improvements. Said funds or any portion thereof which are not expended within three years after being so paid into the State Treasury as provided in this section shall be added to and become a part of the amount available under Section 19630 of the Business and Professions Code for permanent improvements upon the property of the State, citrus, county, or district agricultural associations for fair purposes, or the purchase of equipment for fair purposes, or the acquisition or purchase of real property, including costs of appraisal or other incidental costs, to be used as sites for such permanent improvements, in such amounts as may be allocated by executive order of the State Director of Finance. The execution of any lease, easement, or agreement for the extraction of any oil, or gas from lands owned or controlled by a district agricultural association is not a sale of an interest of real property within the meaning of this section. All revenues received by any association pursuant to any such lease, easement, or agreement for the extraction of oil or gas shall be paid into the General Fund in the State Treasury.

SEC. 2. Section 92 3 of said code is amended to read:

92.3. During the 1960-61 fiscal year and each fiscal year thereafter, the funds apportioned by the Department of Finance under the provisions of Section 92 of this code and other applicable provisions of law shall be paid monthly to the several counties and district agricultural associations from the revenue deposited in the Fair and Exposition Fund and appropriated for encouragement of county, district or combined county and district agricultural fairs under the provisions of Section 19627 of the Business and Professions Code during the fiscal year in which the apportionment is made. The department shall apportion monthly to the several counties and district agricultural associations the funds available for such apportionment in such amounts as the department shall determine; provided, however, that the aggregate of the monthly apportionments to each of the several counties and district agricultural associations shall not exceed the maximum apportionment provided by law.

The amount of the premiums used in determining such apportionments shall be the amount of premiums paid by each of the several counties and district agricultural associations in the calendar year preceding the fiscal year in which the apportionment is made.

SEC. 3. Section 92.5 of said code is amended to read:

92.5. In the event the audited total of eligible premiums paid by any fair in any year differs from the total set forth in the sworn statement filed with the Department of Finance under Section 92 of the Agricultural Code, the amount of the apportionment made to such fair for such year under Section 92 shall be recalculated on the basis of the audited total of eligible premiums paid multiplied by the factor used in calculating the original apportionment. If the recalculated apportionment is less than the original apportionment, the amount of such difference shall be returned to the Fair and Exposition Fund and be added to and become a part of the funds appropriated for the encouragement of agricultural fairs under Section 19627 of the Business and Professions Code, during the fiscal year in which said difference is returned to said fund.

SEC. 4. Section 94.5 of said code is amended to read:

94.5. Associations mentioned in Section 94 of this code and citrus fruit fairs eligible to receive allocations under Section 19626 of the Business and Professions Code shall be deemed instrumentalities of the State for the purposes therein mentioned and upon dissolution of any such association or fair, all property thereof, after payment of outstanding debts, shall escheat to the State. Property of "associations," as defined in Section 94 of this code, and of citrus fruit fairs, as mentioned in this section, used exclusively in conducting citrus fruit fairs, shall be exempt from taxation, and no affidavit need be filed to claim this exemption.

SEC. 5. Section 94.6 of said code is amended to read:

94.6. Associations mentioned in Section 94 of this code and citrus fruit fairs eligible to receive allocations under Section 19626 of the Business and Professions Code shall file a detailed statement of operations in the previous calendar year with the Department of Finance on or before the 20th day of January in each year. The content and form of such statement shall be prescribed by said department.

SEC. 6. Section 25903 of the Government Code is amended to read:

25903. With the approval of the Department of Finance and the State Public Works Board, the amount paid into the Fair and Exposition Fund shall be available for expenditure by the county for permanent improvements for fair purposes on the property of the county, the purchase of equipment for fair purposes, or the acquisition or purchase of real property, including costs of appraisal or other incidental costs, to be used as sites for such permanent improvements. Any portion of such funds which is not so expended within three years after being paid into the State Treasury shall be added to and become a part of the amount available under law for permanent improvements upon the property of the State, citrus, county, or district agricultural associations for fair purposes, or the purchase of equipment for fair purposes, or the acquisi-

tion or purchase of real property and appraisal or other incidental costs, to be used as sites for such permanent improvements, in such amounts as are allocated by executive order of the Director of Finance.

CHAPTER 225

An act to amend Section 4650 of the Corporations Code, relating to involuntary winding up or dissolution of corporations.

[Approved by Governor April 30, 1963. Filed with Secretary of State May 1, 1963.]

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

SECTION 1. Section 4650 of the Corporations Code is amended to read:

4650. A complaint for involuntary winding up or dissolution of a corporation other than one subject to the Bank Act, the Public Utilities Act, the Building and Loan Association Act, or Article 14 (commencing with Section 1010) of Chapter 1 of Part 2 of Division 1 of the Insurance Code may be filed in the superior court of the county in which the principal office is located by the persons described in any of the following subdivisions:

(a) One-half of the directors.

(b) A shareholder or shareholders who have been record holders for a period of not less than six months and who hold not less than 33⅓ percent of the number of outstanding shares.

(c) Any shareholder if the reason for dissolution is that the period for which the corporation was formed has terminated without extension thereof.

CHAPTER 226

An act to amend Sections 11750.3 and 11755 of the Insurance Code, relating to rating organizations.

[Approved by Governor April 30, 1963. Filed with Secretary of State May 1, 1963.]

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

SECTION 1. Section 11750.3 of the Insurance Code is amended to read:

11750.3. A rating organization may be organized pursuant to this article and maintained in this State for the following purposes:

a. To provide reliable statistics and rating information in respect to workmen's compensation insurance and employer's

liability insurance incidental thereto and written in connection therewith.

b. To collect and tabulate information and statistics for the purpose of developing minimum adequate premium rates to be submitted to the commissioner for issuance or approval.

c. To formulate rules and regulations in connection with issued or approved rates and the administration of classifications and rating systems and to present same to the commissioner for approval.

d. To inspect risks for classification or rate purposes and to furnish to the insurer and upon request of the employer and after notice to the insurer, to furnish to the employer full information concerning the rates applicable to his insurance.

e. To examine policies, daily reports, endorsements or other evidences of insurance for the purpose of ascertaining whether they comply with the provisions of law and to make reasonable rules governing their submission.

f. Within one year after expiration of any workmen's compensation insurance policy, to initiate test audits of insured employer's payrolls and insurer's audits of such payrolls to check the accuracy and reliability thereof, and to examine all records relative thereto and premises of insured employers so that the classifications of such employers and the charging of premium at not less than the applicable approved minimum premium rates applied to such payroll segregated in accordance with the applicable approved Manual of Rules, Classifications and Basic Rates for Workmen's Compensation Insurance can be assured.

g. To exchange information and experience data with rating organizations, advisory organizations, and insurers in this and other states, in respect to ratemaking.

h. To become a member or subscriber of any lawfully authorized ratemaking or advisory organization whenever membership in such organization is necessary or helpful to the rating organization.

i. To perform all acts necessary, incidental or convenient to carry out the foregoing purposes or the provisions of this chapter relating to rating organizations.

SEC. 2. Section 11755 of said code is amended to read:

11755. No person, insurer, rating or advisory organization shall willfully withhold information from, or knowingly give false or misleading information to, the commissioner or to any rating organization, which will affect the rates, rating systems or premiums for workmen's compensation insurance and employer's liability insurance incidental thereto and written in connection therewith.

In the event of the refusal by any insured employer to permit an audit or an examination provided for in subdivision (f) of Section 11750.3, the commissioner shall, upon the verified petition of the rating organization concerned, take such action as he may be authorized to take pursuant to and subject to the provisions of this code and of the Government Code.

CHAPTER 227

An act to amend Section 19253.5 of the Government Code, relating to state civil service.

[Approved by Governor April 30, 1963. Filed with Secretary of State May 1, 1963.]

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

SECTION 1. Section 19253.5 of the Government Code is amended to read:

19253.5. In accordance with board rule, the appointing power may require an employee to submit to a medical examination to evaluate the capacity of the employee to perform the work of his position. The board rules shall make provision whereby the employee can designate a physician to consult with the appointing power and with the physician selected by the appointing power concerning the need for and advisability of a medical examination before it is made. The rules also shall provide for the designation by the appointing power of one or more physicians to conduct the examination when it is required. When requested by the employee, the appointing power shall provide a list of three physicians from which the employee may select the physician to be designated by the appointing power to do the examination. Fees for the examination shall be paid by the state agency. The employee may submit medical or other evidence to the examining physician or to the appointing power. When the appointing power, after considering the conclusions of the medical examination and other pertinent information, concludes that the employee is unable to perform the work of his present position, but is able to perform the work of another position including one of less than full time, the appointing power may demote or transfer the employee to such a position.

The employee demoted or transferred pursuant to this section shall receive the maximum of the salary range of the class to which he is demoted or transferred, provided that such salary is not greater than the salary he received at the time of his demotion or transfer.

On the request of an appointing power, the board may approve the return, to a class in which he formerly served, of an employee who has been demoted or transferred in accordance with the provisions of this section if there is satisfactory evidence of his fitness to perform the duties of his former class.

When the appointing power after considering the conclusions of the medical examination provided for by this section or medical reports from the employee's physician, and other pertinent information, concludes that the employee is unable to perform the work of his present position, or any other position in the agency, and the employee is not eligible or elects not to accept disability or service retirement, the appointing power may terminate the appointment of the employee. The

employee shall be given written notice of termination 15 days prior to the effective date of such termination.

The employee may appeal the action of the appointing power to the board within 15 days after the effective date of a demotion, transfer, or termination made in accordance with this section. The board, in accordance with its rules, shall hold a hearing. The board may disapprove the demotion, transfer, or termination or may order that demotion or transfer of the employee be to another position. Whenever the board revokes or modifies the demotion, transfer, or termination, the board shall direct the payment of salary to the employee at the rate of pay he should have received for such time as the board finds the demotion, transfer, or termination was improperly in effect.

Upon the request of an appointing authority or the petition of the employee who was terminated, the employee shall be reinstated to his former position, to another position in the same class, or to a position in a comparable or lower related class in the same agency if it is determined by the board that the employee is no longer incapacitated for duty. Such a reinstatement to a position in a different agency may be made only with the concurrence of that agency. In approving or ordering such reinstatements, the board may require the satisfactory completion of a new probationary period.

CHAPTER 228

An act to amend Section 19142 of the Government Code, relating to reinstatement to the state civil service.

[Approved by Governor April 30, 1963. Filed with Secretary of State May 1, 1963.]

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

SECTION 1. Section 19142 of the Government Code is amended to read:

19142. Every person accepts and holds a position in the state civil service subject to reinstatement of another person thereto: (a) In accordance with Section 19141, or return following rejection under the provisions of Section 19364, or Section 19369, or (b) from leave of absence, or (c) by the board or by order of a court of competent jurisdiction. The status of the person displaced shall be determined by the board, but he shall not be deprived of his earned position on the employment list from which he was certified.

The reinstatement of a person under the provisions of Section 19390 or following a leave of absence granted under Section 19402 does not effect a displacement under this section. Upon the reinstatement of such a person any necessary separations are effected under the provisions of this part governing layoff and demotion.

CHAPTER 229

An act to amend Sections 18533, 18537, and 19054 of the Government Code, relating to state civil service employment lists.

[Approved by Governor April 30, 1963 Filed with Secretary of State May 1, 1963]

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

SECTION 1. Section 18533 of the Government Code is amended to read:

18533. (a) "Subdivisional promotional list" means a list of persons eligible for certification for a specific class resulting from a promotional examination for a particular subdivision of a state agency.

(b) "Departmental promotional list" means a list of persons eligible for certification for a specific class resulting from a promotional examination for a particular state agency.

(c) "Multidepartmental promotional list" means a list of persons eligible for certification for a specific class resulting from a promotional examination for a group of state departments and other state governmental units designated by the board.

(d) "Servicewide promotional list" means a list of persons eligible for certification for a specific class resulting from a promotional examination for the entire state service.

SEC. 2. Section 18537 of said code is amended to read:

18537. "Employment list" means preferred limited-term list, limited-term list, eligible list, subdivisional promotional list, departmental promotional list, multidepartmental promotional list, servicewide promotional list, departmental re-employment list, subdivisional re-employment list and general re-employment list.

SEC 3. Section 19054 of said code is amended to read:

19054. The order of preference in certifying eligibles shall be: subdivisional re-employment list, departmental re-employment list, subdivisional promotional list, departmental promotional list, multidepartmental promotional list, general re-employment list, servicewide promotional list, eligible list. The preferred limited-term list, in accordance with board rule, may be given preference only over the eligible list when making limited-term appointments.

CHAPTER 230

An act to add Section 11580.3 to the Insurance Code, relating to the recovery of minors under uninsured motorist coverage.

[Approved by Governor April 30, 1963. Filed with Secretary of State May 1, 1963.]

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

SECTION 1. Section 11580.3 is added to the Insurance Code, to read:

11580.3. When an insured entitled to recovery under uninsured motorists' coverage is a minor, an arbitration award upon his claim shall be deemed to be a compromise and shall be governed by Chapter 2 (commencing with Section 1430) of Division 4 of the Probate Code; provided, however, that the court may disapprove said award only on the grounds specified in Section 1286.2 of the Code of Civil Procedure.

CHAPTER 231

An act to add Section 20953 to the Education Code, relating to funds received by school districts.

[Approved by Governor April 30, 1963. Filed with Secretary of State May 1, 1963.]

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

SECTION 1. Section 20953 is added to the Education Code, to read:

20953. Notwithstanding the provisions of Sections 20951 and 21001 or any provision of this code to the contrary, the governing board of any school district may, by a majority vote of its membership, and with the approval of the county superintendent of schools, budget and use any unbudgeted income provided during the fiscal year (1) from a private tax-exempt foundation, or (2) from the federal government or any department or agency thereof for a particular purpose, though distributed by the State.

The provisions of this section shall be retroactive to July 1, 1963.

CHAPTER 232

An act to amend Section 409 of the Probate Code, relating to appointment of administrators with the will annexed.

[Approved by Governor April 30, 1963. Filed with Secretary of State May 1, 1963]

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

SECTION 1. Section 409 of the Probate Code is amended to read:

409. Administrators with the will annexed have the same authority over estates which executors named in the will would have, and their acts are as effectual for all purposes; but if a power or authority conferred upon an executor is discretionary, and is not conferred by law, it shall not be deemed to be conferred upon an administrator with the will annexed. Persons are entitled to appointment as administrators with the will annexed in the same order of priority as in the appointment of administrators, except that, one who takes under the will has priority over one who does not, and need not be entitled to succeed to the estate or some portion thereof under the law of succession.

CHAPTER 233

An act to repeal Section 6101 of the Education Code, relating to persons seeking citizenship.

[Approved by Governor April 30, 1963. Filed with Secretary of State May 1, 1963.]

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

SECTION 1. Section 6101 of the Education Code is repealed.

CHAPTER 234

An act to amend Sections 6407, 6408 and 6410 of the Financial Code and to add Sections 956 and 1182 to, and amend Sections 11715 and 12485 of, the Insurance Code, relating to savings and loan associations.

[Approved by Governor April 30, 1963. Filed with Secretary of State May 1, 1963]

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

SECTION 1. Section 6407 of the Financial Code is amended to read:

6407. Shares issued by any association issuing no investment certificates and which is an insured institution as defined

by Title IV of the National Housing Act, are legal investments for the funds of executors, administrators, guardians, conservators of a natural person, receivers and trustees of every kind and nature, insurance companies, cemetery associations and of all public corporations, generally referred to as housing authorities, created pursuant to the Housing Authorities Law of this State.

When, by law, it is provided that the money of any pension fund, retirement plan, trust fund, or the money of any fund whose investment is governed by law may or shall be invested in securities which are legal investment for savings banks, then such law shall be deemed to authorize the investment of such money in such shares.

SEC. 2. Section 6408 of said code is amended to read:

6408. Investment certificates issued by any association are legal investments for the funds of executors, administrators, guardians, conservators of a natural person, receivers and trustees of every kind and nature, insurance companies, cemetery associations and of all public corporations, generally referred to as housing authorities, created pursuant to the Housing Authorities Law of this State.

When, by law, it is provided that the money of any pension fund, retirement plan, trust fund, or the money of any fund whose investment is governed by law may or shall be invested in securities which are legal investment for savings banks, then such law shall be deemed to authorize the investment of such money in such investment certificates.

SEC. 3. Section 6410 of said code is amended to read:

6410. The provisions of Sections 6407 and 6408 are supplemental to any and all other acts regulating, relating to, or declaring what shall be legal investments for the funds of executors, administrators, guardians, conservators of a natural person, receivers, trustees, insurance companies, cemetery associations and of all public corporations, generally referred to as housing authorities, created pursuant to the Housing Authorities Law of this State, or for any of the other funds referred to therein.

SEC. 4. Section 956 is added to the Insurance Code, to read:

956. An account or accounts in one or more insured savings and loan associations shall be accepted as securities comprising any part of any deposit made with the commissioner, provided that such investment is in an amount not to exceed the limit insured by the Federal Savings and Loan Insurance Corporation.

SEC. 5. Section 1182 is added to said code, to read:

1182. Such insurers may invest in an account or accounts in one or more insured savings and loan associations, provided that such investment is in an amount not to exceed the limit insured by the Federal Savings and Loan Insurance Corporation.

SEC. 6. Section 11715 of said code is amended to read:

11715. Any workmen's compensation insurer may, in lieu of and subject to the same conditions as the bond required by Section 11690, deposit with the commissioner cash or approved interest-bearing securities readily convertible into cash, including an account or accounts in one or more insured savings and loan associations, provided that such investment is in an amount not to exceed the limit insured by the Federal Savings and Loan Insurance Corporation. Such deposit shall be made from time to time as demanded by the commissioner. He shall forthwith redeposit such cash and securities as a separate deposit with the State Treasurer. Such deposit shall be maintained at an amount not less than twenty-five thousand dollars ($25,000) nor less than the reserves required of such insurer to be maintained under any of the provisions of Article 1, Chapter 1, Part 3, Division 2 of this code, relating to loss reserves on workmen's compensation business of the insurer in this State nor less than the sum of the amounts specified in subdivision (a) of Section 11699.

SEC. 7. Section 12485 of said code is amended to read:

12485. Mortgage insurers may make deposits with any bank and may invest in an account or accounts in one or more insured savings and loan associations, provided that such investment is in an amount not to exceed the limit insured by the Federal Savings and Loan Insurance Corporation. The making and maintenance of such deposits and investments is not subject to restrictions relating to investments.

CHAPTER 235

An act to validate the organization and acts of community services districts and municipal water districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 30, 1963. Filed with Secretary of State, May 1, 1963]

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

SECTION 1. All community services districts, municipal water districts, and improvement districts of any such districts, are hereby declared to be legally organized and to be legally functioning as public bodies, and to be effective for the purposes of assessment and taxation if the statement, together with the map or plat, required to be filed under Sections 54900 to 54904, inclusive, of the Government Code is filed prior to May 1, 1963.

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and

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

Community services districts and municipal water districts which were formed or which made changes in their boundaries or formed or made changes in the boundaries of improvement districts, through inadvertence, did not file a proper statement and map or plat of the districts, or the improvement districts therein, with the county assessor and the State Board of Equalization on or before February 1, 1963, as required by Section 54902 of the Government Code. As a result there is confusion regarding the authority of the districts to levy and collect taxes for the fiscal year 1963-64, commencing July 1, 1963, which is impairing the operations and programs of such districts. This act would permit such districts to take action to correct this situation and it is imperative that it take effect immediately.

CHAPTER 236

An act to amend Section 12 of the Placer County Water Agency Act (Chapter 1234, Statutes of 1957), relating to the Placer County Water Agency, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 2, 1963. Filed with Secretary of State May 2, 1963.]

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

SECTION 1. Section 12 of the Placer County Water Agency Act (Chapter 1234, Statutes of 1957) is amended to read:

Sec. 12. All contracts for any improvement or unit of work, when the cost according to the estimate of the engineer will exceed five thousand dollars ($5,000), shall be let to the lowest responsible bidder or bidders as provided in this section. The board shall first determine whether the contract shall be let as a single unit for the whole of the work, or divided into severable convenient parts. The board shall advertise for bids by three (3) insertions in a daily newspaper of general circulation or by two (2) insertions in a weekly newspaper of general circulation printed and published in the agency, inviting sealed proposals for the construction or performance of the improvement or work. The call for bids shall state whether the work shall be performed in one unit or divided into parts. The work may be let under a single contract or several contracts, as stated in such call. The board shall require the successful bidders to file with the board good and sufficient bonds to be approved by the board conditioned upon the faithful performance of the contract and upon the payment of their claims for labor and material. The bonds shall comply with Chapter 3, commencing at Section 4200, of Division 5 of Title

1 of the Government Code. The board may reject any and all bids. In the event all proposals are rejected or no proposals are received, or the estimated cost of the work does not exceed five thousand dollars ($5,000), or the work consists of channel protection, maintenance work, or emergency work when necessary in order to protect life and property from impending flood damage, the board of supervisors may have the work done by force account without advertising for bids. In the event that no proposals are received, or if only one responsive proposal is received, the board may negotiate a contract for construction or performance of the work or improvement or substantially similar work or improvement; provided, that if only one responsive proposal is received such contract must be negotiated with the bidder. The agency may purchase in the open market without advertising for bids, materials and supplies for use in any work, either under contract or by force account. Government Code Sections 4300 to 4305 shall not apply to the agency's Middle Fork American River Project. The provisions of this Section 12 shall apply to all proposals or contracts whether or not received or entered into prior to the effective date of the amendment of this section made at the 1963 Regular Session of the Legislature.

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

The Placer County Water Agency has completed the engineering and design for its Middle Fork American River Project providing for the development of water resources within its district, and it is necessary to proceed to contract for the construction of the Middle Fork American River Project for this development at the earliest possible date. Unless this act takes effect immediately, the urgently needed development of water resources within the jurisdiction of the Placer County Water Agency may be substantially delayed.

SEC. 3. This act insofar as it exempts the Placer County Water Agency's Middle Fork American River Project from Government Code Sections 4300 to 4305 has been enacted by this Legislature as an emergency step to nullify the threat to stop and perhaps destroy said project by litigation and is not to be construed as in any other way whatsoever changing or modifying the policies contained within the aforesaid sections of the Government Code.

CHAPTER 237

An act to amend Sections 12502, 12504, 12505, 12518, 12805, 12806, 12809, 13363 of, and to add Section 246 to, and Chapter 6 (commencing with Section 15000) to Division 6 of, the Vehicle Code, relating to a compact with various states and the issuance and control of driver's licenses.

[Approved by Governor May 2, 1963. Filed with Secretary of State May 2, 1963.]

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

SECTION 1. Section 246 is added to the Vehicle Code, to read:

246. A "certificate of compliance" is a certificate issued by the department upon filing "proof of ability to respond in damages" as defined in Section 16430, to a nonresident minor who holds a valid driver's license issued to him by his home state or country.

SEC. 2. Section 12502 of said code is amended to read:

12502. A nonresident over the age of 21 years having in his immediate possession a valid driver's license issued to him by a foreign jurisdiction of which he is a resident may operate a motor vehicle in this State without obtaining a license under this code except as provided in Section 12505.

SEC. 3. Section 12504 of said code is amended to read:

12504. (a) The provisions of Sections 12502 and 12503 shall apply to any nonresident over the age of 16 years but under the age of 21 years, but the maximum period during which such nonresident may operate a motor vehicle in this State without obtaining a driver's license shall be limited to a period of 10 days immediately following the entry of the nonresident into this State except as provided in subdivision (b) of this section.

(b) Any nonresident over the age of 16 years but under the age of 21 years who is a resident of a foreign jurisdiction which requires the licensing of drivers may continue to operate a motor vehicle in this State after 10 days from his date of entry into this State provided:

(1) He has a valid driver's license issued by such foreign jurisdiction in his immediate possession, and

(2) He has been issued by the department a certificate of compliance as defined in Section 246 which is also in his immediate possession.

(c) Whenever any of the conditions for the issuance of a certificate of compliance cease to exist, the department shall cancel and require the surrender to it of the certificate of compliance.

SEC. 4. Section 12505 of said code is amended to read:

12505. (a) Any person entitled to an exemption under Sections 12502, 12503, or 12504 may operate a motor vehicle in

this State for not to exceed 10 days from the date he establishes residence in this State.

(b) Any person over the age of 21 years who is a resident of a foreign jurisdiction other than a state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico, having a valid license issued to him by such jurisdiction may operate a motor vehicle in this State for not to exceed 10 days from the date he accepts employment within this State.

SEC. 5. Section 12518 of said code is amended to read:

12518. The provisions of Section 12504 shall apply to any nonresident who is under the age of 21 years and who is a member of the armed forces of the United States on active duty within this State, except that the maximum period during which such nonresident may operate a motor vehicle in this State without obtaining a driver's license or certificate of compliance shall be limited to a period of 60 days immediately following the entry of such nonresident into this State.

SEC. 6. Section 12805 of said code is amended to read:

12805. The department shall not issue or renew a driver's license to any person:

(a) Who is not of legal age to receive such license.

(b) Who, because of excessive and continuous use of alcoholic liquors, is incapable of safely operating a motor vehicle, or who is addicted to the use of narcotic drugs or an habitual user of any other drug rendering the person incapable of safely operating a motor vehicle.

(c) Who is insane or feebleminded or an idiot or an imbecile.

(d) Who is an epileptic.

(e) Who is unable as shown by examination to understand traffic signs or signals or who does not have a reasonable knowledge of the provisions of this code governing the operations of vehicles upon the highways.

(f) When it appears by examination or other evidence that such person is unable to operate a motor vehicle upon a highway safely because of physical or mental defect or lack of skill.

(g) Who is unable to read and understand simple English used in highway traffic and directional signs. The provisions of this subdivision shall not apply to any person holding an operator's or chauffeur's license issued by this State and valid on September 11, 1957.

(h) Who holds a valid driver's license issued by a foreign jurisdiction, unless he surrenders that license to the department.

(i) Who has ever held, or is the holder of a license to drive issued by another state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico, and such license has been suspended by reason, in whole or in part, of a conviction of a traffic violation until the suspension period has terminated, except as provided in subdivision (b) of Section 12806.

(j) Who has ever held, or is the holder of a license to drive issued by another state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico, and such license has been revoked by reason, in whole or in part, of a conviction of a traffic violation until the revocation has been terminated or after the expiration of one year from the date the license was revoked, whichever occurs first, except as provided in subdivision (b) of Section 12806.

SEC. 7. Section 12806 of said code is amended to read:

12806. (a) Any physical or mental defect of the applicant which in the opinion of the department does not affect the applicant's ability to exercise reasonable and ordinary control in operating a motor vehicle upon the highway shall not prevent the issuance of a license to the applicant.

(b) Any suspension or revocation by a state which is not a party to the Driver License Compact provided for in Chapter 6 (commencing with Section 15000) of Division 6 shall not prevent the issuance of a license to the applicant if in the opinion of the department it will be safe to issue such license.

SEC. 8. Section 12809 of said code is amended to read:

12809. The department may refuse to issue or renew a driver's license to any person:

(a) If the department is satisfied that the applicant is not entitled to the license under this code.

(b) If the applicant has failed to furnish the department the information required in the application or reasonable additional information requested by the department.

(c) If the department determines that the applicant has made or permitted unlawful use of any driver's license.

(d) If the department determines that such person has knowingly used a false or fictitious name in any application for a license, or has impersonated another in making application or in taking any test, or has knowingly made a false statement or knowingly concealed a material fact, or otherwise committed any fraud in any such application.

(e) If the department determines that the applicant is a negligent or incompetent operator of a motor vehicle.

(f) If the applicant is convicted of any offense involving the use or possession of narcotics under Division 10 (commencing with Section 11000) of the Health and Safety Code.

(g) If the applicant fails or refuses to surrender to the department, upon its lawful demand, a certificate of compliance which has been cancelled.

SEC. 9. Section 13363 of said code is amended to read:

13363. (a) The department may, in its discretion, except as provided in Chapter 6 (commencing with Section 15000) of Division 6, of this code, suspend or revoke the privilege of any resident or nonresident to drive a motor vehicle in this State upon receiving notice of the conviction of the person in a state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or the Dominion of Canada of an offense therein which, if com-

mitted in this State, would be grounds for the suspension or revocation of the privilege to operate a motor vehicle.

(b) Whenever any state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or the Dominion of Canada reports the conviction of a violation in such place by a person licensed in this State, the department shall not give effect to such report pursuant to subdivision (a) of this section or Section 15023 unless the department is satisfied that the law of such other place pertaining to the conviction is substantially the same as the law of this State pertaining to such conviction and that the description of the violation from which the conviction arose, is sufficient and that the interpretation and enforcement of such law are substantially the same in such other place as they are in this State.

SEC. 10. Chapter 6 (commencing with Section 15000) is added to Division 6 of said code, to read:

CHAPTER 6. DRIVER LICENSE COMPACT

Article 1. Generally

15000. The Driver License Compact is hereby enacted into law and entered into with all other jurisdictions legally joining therein in the form substantially contained in Article 2 (commencing with Section 15020), of Chapter 6, Division 6 of this code.

15001. As used in the compact, the term "licensing authority" with reference to this State shall mean the Department of Motor Vehicles. That department shall furnish to the appropriate authorities of any other party state any information or documents reasonably necessary to facilitate the administration of Sections 15022, 15023, and 15024 of the compact.

15002. The compact administrator provided for in Section 15025 of this compact shall not be entitled to any additional compensation on account of his service as such administrator, but shall be entitled to expenses incurred in connection with his duties and responsibilities as such administrator, in the same manner as for expenses incurred in connection with any other duties or responsibilities of his office or employment

15003. As used in the compact, with reference to this State, the term "executive head" shall mean the Governor.

Article 2. Compact Terms

15020. (a) The party states find that:

(1) The safety of their streets and highways is materially affected by the degree of compliance with state laws and local ordinances relating to the operation of motor vehicles.

(2) Violation of such a law or ordinance is evidence that the violator engages in conduct which is likely to endanger the safety of persons and property.

(3) The continuance in force of a license to drive is predicated upon compliance with laws and ordinances relating to the operation of motor vehicles, in whichever jurisdiction the vehicle is operated.

(b) It is the policy of the party states to:

(1) Promote compliance with the laws, ordinances and administrative rules and regulations relating to the operation of motor vehicles by their drivers in each of the jurisdictions where such drivers operate motor vehicles.

(2) Make the reciprocal recognition of licenses to drive and eligibility therefor more just and equitable by considering the overall compliance with motor vehicle laws, ordinances and administrative rules and regulations as a condition precedent to the continuance or issuance of any license by reason of which the licensee is authorized or permitted to operate a motor vehicle in any of the party states.

15021. As used in the compact:

(a) "State" means a state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(b) "Home state" means the state which has issued and has the power to suspend or revoke the use of the license or permit to operate a motor vehicle.

(c) "Conviction" means a conviction of any offense related to the use or operation of a motor vehicle which is prohibited by state law, municipal ordinance or administrative rule or regulation, or a forfeiture of bail, bond or other security deposited to secure appearance by a person charged with having committed any such offense, and which conviction or forfeiture is required to be reported to the licensing authority.

15022. The licensing authority of a party state shall report each conviction of a person from another party state occurring within its jurisdiction to the licensing authority of the home state of the licensee. Such report shall clearly identify the person convicted; describe the violation specifying the section of the statute, code, or ordinance violated; identify the court in which action was taken; indicate whether a plea of guilty or not guilty was entered, or the conviction was a result of the forfeiture of bail, bond or other security; and shall include any special findings made in connection therewith.

15023. (a) The licensing authority in the home state, for the purposes of suspending, revoking, or limiting the license to operate a motor vehicle, shall give the same effect to the conduct reported, pursuant to Section 15022 of this compact, as it would if such conduct had occurred in the home state, in the case of a conviction for:

(1) Manslaughter or negligent homicide resulting from the operation of a motor vehicle;

(2) Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence

of any other drug to a degree which renders the driver incapable of safely driving a motor vehicle;

(3) Any felony in the commission of which a motor vehicle is used;

(4) Failure to stop and render aid in the event of a motor vehicle accident resulting in the death or personal injury of another.

(b) As to any other conviction, reported pursuant to Section 15022, the licensing authority in the home state shall give such effect to the conduct as is provided by the laws of the home state.

(c) If the laws of a party state do not provide for offenses or violations denominated or described in precisely the words employed in subdivision (a) of this section, such party state shall construe the denominations and descriptions appearing in subdivision (a) hereof as being applicable to and identifying those offenses or violations of a substantially similar nature, and the laws of such party state shall contain such provisions as may be necessary to ensure that full force and effect is given to this section.

15024. Upon application for a license to drive, the licensing authority in a party state shall ascertain whether the applicant has ever held, or is the holder of a license to drive issued by any other party state. The licensing authority in the state where application is made shall not issue a license to drive to the applicant if:

(1) The applicant has held such a license, but the license has been suspended by reason, in whole or in part, of a violation, and if such suspension period has not terminated.

(2) The applicant has held such a license, but the license has been revoked by reason, in whole or in part, of a violation, and if such revocation has not terminated; except that after the expiration of one year from the date the license was revoked, such person may make application for a new license if permitted by law. The licensing authority may refuse to issue a license to any such applicant if, after investigation, the licensing authority determines that it will not be safe to grant to such person the privilege of driving a motor vehicle on the public highways.

(3) The applicant is the holder of a license to drive issued by another party state and currently in force, unless the applicant surrenders such license.

15025. Except as expressly required by provisions of this compact, nothing contained herein shall be construed to affect the right of any party state to apply any of its other laws relating to licenses to drive to any person or circumstance, nor to invalidate or prevent any driver license agreement or other co-operative arrangement between a party state and a non-party state.

15026. (a) The head of the licensing authority of each party state shall be the administrator of this compact for his state. The administrators of all party states, acting jointly,

shall have the power to formulate all necessary and proper procedures for the exchange of information under this compact.

(b) The administrator of each party state shall furnish to the administrator of each other party state any information or documents reasonably necessary to facilitate the administration of this compact.

15027. (a) This compact shall become effective as to any state in which this compact becomes effective as the law of that state.

(b) Any party state may withdraw from this compact by enacting a statute repealing this compact as the law of that state, but no such withdrawal shall take effect until six months after the executive head of the withdrawing state has given notice of the withdrawal to the executive heads of all other party states. No withdrawal shall affect the validity or applicability by the licensing authorities of states remaining party to the compact of any report of conviction occurring prior to the withdrawal.

15028. The compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of the compact shall be severable and if any phrase, clause, sentence, or provisions of the compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of the compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If the compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

CHAPTER 238

An act to add Chapter 6 (commencing with Section 28100) to Division 12 of the Vehicle Code, relating to Vehicle Equipment Safety Compact.

[Approved by Governor May 2, 1963. Filed with Secretary of State May 2, 1963.]

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

SECTION 1. Chapter 6 (commencing with Section 28100) is added to Division 12 of the Vehicle Code, to read:

CHAPTER 6. VEHICLE EQUIPMENT SAFETY COMPACT

28100 The Vehicle Equipment Safety Compact is hereby enacted into law and entered into with all other jurisdictions legally joining therein in the form substantially as follows:

Article I. Findings and Purposes

(a) The party states find that:

(1) Accidents and deaths on their streets and highways present a very serious human and economic problem with a major deleterious effect on the public welfare.

(2) There is a vital need for the development of greater interjurisdictional co-operation to achieve the necessary uniformity in the laws, rules, regulations and codes relating to vehicle equipment, and to accomplish this by such means as will minimize the time between the development of demonstrably and scientifically sound safety features and their incorporation into vehicles.

(b) The purposes of this compact are to:

(1) Promote uniformity in regulation of and standards for equipment.

(2) Secure uniformity of law and administrative practice in vehicular regulation and related safety standards to permit incorporation of desirable equipment changes in vehicles in the interest of greater traffic safety.

(3) To provide means for the encouragement and utilization of research which will facilitate the achievement of the foregoing purposes, with due regard for the findings set forth in subdivision (a) of this article.

(c) It is the intent of this compact to emphasize performance requirements and not to determine the specific detail of engineering in the manufacture of vehicles or equipment except to the extent necessary for the meeting of such performance requirements.

Article II. Definitions

As used in this compact:

(a) "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

(b) "State" means a state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(c) "Equipment" means any part of a vehicle or any accessory for use thereon which affects the safety of operation of such vehicle or the safety of the occupants.

Article III. The Commission

(a) There is hereby created an agency of the party states to be known as the "Vehicle Equipment Safety Commission" hereinafter called the commission The commission shall be composed of one commissioner from each party state who shall be appointed, serve and be subject to removal in accordance with the laws of the state which he represents. If authorized

by the laws of his party state, a commissioner may provide for the discharge of his duties and the performance of his functions on the commission, either for the duration of his membership or for any lesser period of time, by an alternate. No such alternate shall be entitled to serve unless notification of his identity and appointment shall have been given to the commission in such form as the commission may require. Each commissioner, and each alternate, when serving in the place and stead of a commissioner, shall be entitled to be reimbursed by the commission for expenses actually incurred in attending commission meetings or while engaged in the business of the commission.

(b) The commissioners shall be entitled to one vote each on the commission. No action of the commission shall be binding unless taken at a meeting at which a majority of the total number of votes on the commission are cast in favor thereof. Action of the commission shall be only at a meeting at which a majority of the commissioners, or their alternates, are present.

(c) The commission shall have a seal.

(d) The commission shall elect annually, from among its members, a chairman, a vice chairman and a treasurer. The commission may appoint an executive director and fix his duties and compensation. Such executive director shall serve at the pleasure of the commission, and together with the treasurer shall be bonded in such amount as the commission shall determine. The executive director also shall serve as secretary. If there be no executive director, the commission shall elect a secretary in addition to the other officers provided by this subdivision.

(e) Irrespective of the civil service, personnel or other merit system laws of any of the party states, the executive director with the approval of the commission, or the commission if there be no executive director, shall appoint, remove or discharge such personnel as may be necessary for the performance of the commission's functions, and shall fix the duties and compensation of such personnel.

(f) The commission may establish and maintain independently or in conjunction with any one or more of the party states, a suitable retirement system for its full-time employees. Employees of the commission shall be eligible for social security coverage in respect of Old Age and Survivor's Insurance provided that the commission takes such steps as may be necessary pursuant to the laws of the United States, to participate in such program of insurance as a governmental agency or unit. The commission may establish and maintain or participate in such additional programs of employee benefits as may be appropriate.

(g) The commission may borrow, accept or contract for the services of personnel from any party state, the United States, or any subdivision or agency of the aforementioned govern-

ments, or from any agency of two or more of the party states or their subdivisions.

(h) The commission may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials, and services, conditional or otherwise, from any state, the United States, or any other governmental agency and may receive, utilize and dispose of the same.

(i) The commission may establish and maintain such facilities as may be necessary for the transacting of its business. The commission may acquire, hold, and convey real and personal property and any interest therein.

(j) The commission shall adopt bylaws for the conduct of its business and shall have the power to amend and rescind these bylaws. The commission shall publish its bylaws in convenient form and shall file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the party states. The bylaws shall provide for appropriate notice to the commissioners of all commission meetings and hearings and the business to be transacted at such meetings or hearings. Such notice shall also be given to such agencies or officers of each party state as the laws of such party state may provide.

(k) The commission annually shall make to the Governor and Legislature of each party state a report covering the activities of the commission for the preceding year, and embodying such recommendations as may have been issued by the commission. The commission may make such additional reports as it may deem desirable.

Article IV. Research and Testing

The commission shall have power to:

(a) Collect, correlate, analyze and evaluate information resulting or derivable from research and testing activities in equipment and related fields.

(b) Recommend and encourage the undertaking of research and testing in any aspect of equipment or related matters when, in its judgment, appropriate or sufficient research or testing has not been undertaken.

(c) Contract for such equipment research and testing as one or more governmental agencies may agree to have contracted for by the commission, provided that such governmental agency or agencies shall make available the funds necessary for such research and testing.

(d) Recommend to the party states changes in law or policy with emphasis on uniformity of laws and administrative rules, regulations or codes which would promote effective governmental action or co-ordination in the prevention of equipment-related highway accidents or the mitigation of equipment-related highway safety problems.

Article V. Vehicular Equipment

(a) In the interest of vehicular and public safety, the commission may study the need for or desirability of the establishment of or changes in performance requirements or restrictions for any item of equipment As a result of such study, the commission may publish a report relating to any item or items of equipment, and the issuance of such a report shall be a condition precedent to any proceedings or other action provided or authorized by this article. No less than 60 days after the publication of a report containing the results of such study, the commission upon due notice shall hold a hearing or hearings at such place or places as it may determine.

(b) Following the hearing or hearings provided for in subdivision (a) of this article, and with due regard for standards recommended by appropriate professional and technical associations and agencies, the commission may issue rules, regulations or codes embodying performance requirements or restrictions for any item or items of equipment covered in the report, which in the opinion of the commission will be fair and equitable and effectuate the purposes of this compact.

(c) Each party state obligates itself to give due consideration to any and all rules, regulations and codes issued by the commission and hereby declares its policy and intent to be the promotion of uniformity in the laws of the several party states relating to equipment.

(d) The commission shall send prompt notice of its action in issuing any rule, regulation or code pursuant to this article to the appropriate motor vehicle agency of each party state and such notice shall contain the complete text of the rule, regulation or code.

(e) If the constitution of a party state requires, or if its statutes provide, the approval of the Legislature by appropriate resolution or act may be made a condition precedent to the taking effect in such party state of any rule, regulation or code. In such event, the commissioner of such party state shall submit any commission rule, regulation or code to the legislature as promptly as may be in lieu of administrative acceptance or rejection thereof by the party state.

(f) Except as otherwise specifically provided in or pursuant to subdivisions (e) and (g) of this article, the appropriate motor vehicle agency of a party state shall in accordance with its constitution or procedural laws adopt the rule, regulation or code within six months of the sending of the notice, and, upon such adoption, the rule, regulation or code shall have the force and effect of law therein.

(g) The appropriate motor vehicle agency of a party state may decline to adopt a rule, regulation or code issued by the commission pursuant to this article if such agency specifically finds, after public hearing on due notice, that a variation from the commission's rule, regulation or code is necessary to the public safety, and incorporates in such finding the reasons

upon which it is based. Any such finding shall be subject to review by such procedure for review of administrative determinations as may be applicable pursuant to the laws of the party state. Upon request, the commission shall be furnished with a copy of the transcript of any hearings held pursuant to this subdivision.

Article VI. Finance

(a) The commission shall submit to the executive head or designated officer or officers of each party state a budget of its estimated expenditures for such period as may be required by the laws of that party state for presentation to the legislature thereof.

(b) Each of the commission's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states. The total amount of appropriations under any such budget shall be apportioned among the party states as follows: one-third in equal shares; and the remainder in proportion to the number of motor vehicles registered in each party state. In determining the number of such registrations, the commission may employ such source or sources of information as in its judgment present the most equitable and accurate comparisons among the party states. Each of the commission's budgets of estimated expenditures and requests for appropriations shall indicate the source or sources used in obtaining information concerning vehicular registrations.

(c) The commission shall not pledge the credit of any party state. The commission may meet any of its obligations in whole or in part with funds available to it under Article III(h) of this compact, provided that the commission takes specific action setting aside such funds prior to incurring any obligation to be met in whole or in part in such manner. Except where the commission makes use of funds available to it under Article III(h) hereof, the commission shall not incur any obligation prior to the allotment of funds by the party states adequate to meet the same.

(d) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its rules. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a qualified public accountant and the report of the audit shall be included in and become part of the annual reports of the commission.

(e) The accounts of the commission shall be open at any reasonable time for inspection by duly constituted officers of the party states and by any persons authorized by the commission.

(f) Nothing contained herein shall be construed to prevent commission compliance with laws relating to audit or inspec-

tion of accounts by or on behalf of any government contributing to the support of the commission.

Article VII. Conflict of Interest

(a) The commission shall adopt rules and regulations with respect to conflict of interest for the commissioners of the party states, and their alternates, if any, and for the staff of the commission and contractors with the commission to the end that no member or employee or contractor shall have a pecuniary or other incompatible interest in the manufacture, sale or distribution of motor vehicles or vehicular equipment or in any facility or enterprise employed by the commission or on its behalf for testing, conduct of investigations or research. In addition to any penalty for violation of such rules and regulations as may be applicable under the laws of the violator's jurisdiction of residence, employment or business, any violation of a commission rule or regulation adopted pursuant to this article shall require the immediate discharge of any violating employee and the immediate vacating of membership, or relinquishing of status as a member on the commission by any commissioner or alternate. In the case of a contractor, any violation of any such rule or regulation shall make any contract of the violator with the commission subject to cancellation by the commission.

(b) Nothing contained in this article shall be deemed to prevent a contractor for the commission from using any facilities subject to his control in the performance of the contract even though such facilities are not devoted solely to work of or done on behalf of the commission; nor to prevent such a contractor from receiving remuneration or profit from the use of such facilities.

Article VIII. Advisory and Technical Committees

The commission may establish such advisory and technical committees as it may deem necessary, membership on which may include private citizens and public officials, and may cooperate with and use the services of any such committees and the organizations which the members represent in furthering any of its activities.

Article IX. Entry Into Force and Withdrawal

(a) This compact shall enter into force when enacted into law by any six or more states. Thereafter, this compact shall become effective as to any other state upon its enactment thereof.

(b) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the executive head of the withdrawing state has given notice in writing of the with-

drawal to the executive heads of all other party states. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

Article X. Construction and Severability

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating herein, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the state affected as to all severable matters.

28101. The legislature finds that:

(1) The public safety necessitates the continuous development, modernization and implementation of standards and requirements of law relating to vehicle equipment, in accordance with expert knowledge and opinion.

(2) The public safety further requires that such standards and requirements be uniform from jurisdiction to jurisidiction, except to the extent that specific and compelling evidence supports variation.

(3) The Highway Transportation Agency, acting upon recommendations of the Vehicle Equipment Safety Commission and pursuant to the Vehicle Equipment Safety Compact, provides a just, equitable and orderly means of promoting the public safety in the manner and within the scope contemplated by this chapter.

28102. Pursuant to Article V(e) of the Vehicle Equipment Safety Compact, it is the intention of this State and it is hereby provided that no rule, regulation or code issued by the Vehicle Equipment Safety Commission in accordance with Article V of the compact shall take effect nor be admissible as evidence in any court or administrative hearing until approved by statute enacted by the Legislature.

28103. The commissioner of this State on the Vehicle Equipment Safety Commission shall be the Administrator of Highway Transportation who shall serve during his continuance as such officer. The commissioner of this State appointed pursuant to this section may designate an alternate from among the officers and employees of his agency to serve in his place and stead on the Vehicle Equipment Safety Commission. Subject to the provisions of the compact and bylaws of the Vehicle Equipment Safety Commission, the authority and re-

sponsibilities of such alternate shall be as determined by the commissioner designating such alternate.

28104. The Board of Administration of the State Employees' Retirement System may make an agreement with the Vehicle Equipment Safety Commission for the coverage of said commission's employees pursuant to Article III(f) of the compact. Any such agreement, as nearly as may be, shall provide for arrangements similar to those available to the employees of this State and shall be subject to amendment or termination in accordance with its terms.

28105. Within appropriations available therefor, the Highway Transportation Agency, and at the request of such agency, the other departments, agencies and officers of the government of this State may co-operate with and assist the Vehicle Equipment Safety Commission within the scope contemplated by Article III(h) of the compact. Such departments, agencies and officers of the government of this State are authorized generally to co-operate with said commission.

28106. Filing of documents as required by Article III(j) of the compact shall be with the Secretary of State. Any and all notices required by commission bylaws to be given pursuant to Article III(j) of the compact shall be given to the commissioner of this State, his alternate, if any, and the Director of Motor Vehicles, the Commissioner of the California Highway Patrol and the Director of Public Works.

28107. Pursuant to Article VI(a) of the compact, the Vehicle Equipment Safety Commission shall transmit its budgets to the Highway Transportation Agency for submission to and approval by the Legislature.

28108. Pursuant to Article VI(e) of the compact, the Highway Transportation Agency is hereby empowered and authorized to inspect the accounts of the Vehicle Equipment Safety Commission.

28109. The penalties prescribed in Section 1097 of the Government Code shall be applicable to any person who willfully violates Article VII of the compact and rules made pursuant thereto.

28110. The term "executive head" as used in Article IX(b) of the compact shall, with reference to this State, mean the Governor.

CHAPTER 239

An act to amend Sections 43500 and 43531 of, and to add Sections 43532, 43532.5 and 43533 to, and to add Article 3 (commencing with Section 43555) to Chapter 4 of Part 6 of Division 11 of, the Water Code, relating to condemnation proceedings, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 3, 1963. Filed with Secretary of State May 3, 1963.]

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

SECTION 1. Section 43500 of the Water Code is amended to read:

43500. The board may acquire by any means any property or interest in property to carry out the district purposes, including any of the following:

(a) Property either within or without the boundaries of the district for the construction, maintenance, improvement, or operation of works or the carrying out of the project in this State or in any other state or foreign nation.

(b) Property and rights of private owners devoted to a public use.

(c) Stocks of domestic or foreign corporations

(d) Rights to store water in any reservoir.

(e) Rights to carry water through any conduit within or without the State not owned or controlled by the district.

SEC. 2. Section 43531 of said code is amended to read as follows:

43531. In condemnation proceedings the board shall proceed in the name of the district under the provisions of Section 14 of Article I of the Constitution of this State, and Title 7, Part 3 of the Code of Civil Procedure, except as otherwise provided in this article.

SEC. 3. Section 43532 is added to said code, to read:

43532. The board shall not commence any proceedings in eminent domain unless it first adopts a resolution declaring that the public interest and necessity require acquisition, construction or completion of the improvement for which the property or interest in property is required, or will be required, and that the property or interest described in the resolution is necessary for the improvement; provided, when the board adopts such resolution by two-thirds (⅔) of all its members, the resolution shall be conclusive evidence of all of the following:

(a) The public necessity for the proposed improvement;

(b) That the property or interest is necessary for the proposed public improvement; and

(c) That the proposed public improvement is planned or located in a manner which will be most compatible with the greatest public good and the least private injury.

The resolution provided for in this section, however, shall not constitute conclusive evidence of the matters specified in subdivisions (a), (b) and (c) in the case of taking property located within a county in which the district is located but outside of the boundaries of the district, unless the board of supervisors of the county in which such property is situated declares to the contrary.

SEC. 3.5. Section 43532.5 is added to said code, to read:

43532.5. Notwithstanding any other provision in this article, the board shall not commence any proceedings in eminent domain with respect to property located outside of a county in which the district is located unless the board of supervisors of the county in which such property is situated gives its approval to such proceedings. In the event that the board of supervisors gives its approval, a resolution adopted by the board pursuant to the provisions of Section 43532 shall be deemed conclusive evidence of the matters specified in subdivisions (a), (b) and (c) specified in Section 43532.

SEC. 4. Section 43533 is added to said code, to read:

43533. Whenever a part of a parcel of land is to be acquired pursuant to this article and any portion of the remainder is to be left in such shape or condition as to be of little value to its owner, the board may acquire and sell such portion or may exchange the same for other property needed to carry out the powers conferred on said board.

SEC. 5. Article 3 (commencing with Section 43555) is added to Chapter 4 of Part 6 of Division 14 of said code, to read:

Article 3. Sale of Excess Land Acquired by Condemnation

43555. Where the district has acquired fee title to, or any interest in, land through condemnation proceedings and the board, pursuant to Section 43507, determines that said property or any part thereof or interest therein is no longer necessary for the uses and purposes of said district and that said property or any part thereof or interest therein shall be disposed of by sale, such sale shall be made as hereinafter provided.

43556. Written notice of sale shall be published in a newspaper of general circulation published in the district, or if there is no such newspaper, then within the county in which the district or any part thereof is situated, pursuant to Section 6063 of the Government Code. The notice shall describe the land or interest therein to be sold; set forth in general terms the interests, easements or reservations to be reserved to the district; state the time, place and terms or conditions of the sale; and call for sealed bids in writing.

43557. At the time and place set for the sale the board shall open any bids received in response to the notice, announce such bids, and call for oral bids. When all persons

present shall have ceased bidding, the board shall declare the bidding closed, subject to the preference right of owners of contiguous land as hereinafter provided, and shall announce the amount of the highest bidder. In the event no oral bids are made and there are duplicate written bids, the highest bidder shall be the one whose bid was received first in time by the board. In no event may land be sold or a purchaser declared before the end of the 30-day period for assertion by contiguous landowners of their preference right of purchase.

43558. The owners of contiguous land have a preference for a period of thirty (30) days after the highest bid is announced to purchase at such highest bid price. No right of preference shall be given in cases of owners of cornering land.

Where there is a conflict between two or more owners of contiguous land claiming a preference right of purchase, the one from whom such land was acquired by the district by eminent domain shall take preference. If such prior owner does not assert a preference right to purchase, the property shall be sold to that owner of contiguous land claiming preference who, in the opinion of the board, by acquisition of such land would be enabled to make the most beneficial use thereof based on topography, land pattern, location of water, improvements and similar factors.

If no owners of contiguous land qualify within said thirty (30) day period the sale shall be declared closed and sale made to the highest bidder.

SEC. 6. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to facilitate the acquisition of property needed for projects of water storage districts and to facilitate the disposal of excess property acquired by water storage districts, and to accelerate the completion of such projects and thereby the provision of water needed for agriculture, domestic and other purposes in such districts, it is essential that this act go into immediate effect.

CHAPTER 240

An act to amend Section 65434 of the Government Code, relating to compensation and expenses of members of a board of zoning adjustment.

[Approved by Governor May 3, 1963. Filed with Secretary of State May 3, 1963.]

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

SECTION 1. Section 65434 of the Government Code is amended to read:

65434. Members of a planning commission and members of a board of zoning adjustment may receive compensation for their attendance at each meeting of the commission or board in a sum to be fixed by the legislative body by which they are appointed. In addition, they may also receive reasonable traveling expenses to and from their usual place of business to any place of meeting of the commission or board within the county or city.

CHAPTER 241

An act to add Section 24.5 to the Water Conservation Act of 1927 (Chapter 91, Statutes of 1927), relating to water conservation districts.

[Approved by Governor May 3, 1963. Filed with Secretary of State May 3, 1963.]

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

SECTION 1. Section 24.5 is added to the Water Conservation Act of 1927 (Chapter 91, Statutes of 1927), to read:

Sec. 24.5. Notwithstanding any provision to the contrary in this act or in the organization proceeding had for the formation of a district under the provisions of this act, a district formed under this act may issue bonds under the provisions of the Revenue Bond Law of 1941 (commencing with Section 54300, Government Code) for the purpose of financing the purchase, production, transmission, and distribution of water for beneficial use and for the construction of facilities necessary thereto including any contributions by a district to another agency under a contractual agreement or for cost incurred in the construction of joint use facilities.

CHAPTER 242

An act to amend Section 1744.1 of the Code of Civil Procedure, relating to conciliation courts.

[Approved by Governor May 3, 1963. Filed with Secretary of State May 3, 1963.]

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

SECTION 1. Section 1744.1 of the Code of Civil Procedure is amended to read:

1744.1. In each county having a population of 200,000 or less, as determined by the 1960 federal census, the superior court may appoint, with the consent and approval of the board of supervisors, the following persons to assist the conciliation court in disposing of its business and carrying out its functions:

(a) One counselor of conciliation who shall have the power to:

(1) Hold conciliation conferences with parties to, and hearings in, proceedings under this chapter, and make recommendations concerning such proceedings to the judge of the conciliation court.

(2) Provide such supervision in connection with the exercise of its jurisdiction as the judge of the conciliation court may direct.

(3) Cause such reports to be made, such statistics to be compiled and such records to be kept as the judge of the conciliation court may direct.

(4) Hold such hearings in all conciliation court cases as may be required by the judge of the conciliation court, and make all investigations as may be required by the court, and in general perform all such duties as may be required by the court to carry out the intent of this chapter.

(b) One assistant commissioner of conciliation.

(c) One secretary.

(d) Such office assistants as may be required to properly handle the clerical work of the court.

The salaries of persons appointed under this section shall be fixed by the board of supervisors of the county. All persons appointed under this section may be dismissed for any reason by a majority vote of the judges of the superior court of the county.

The superior court or board of supervisors may, at any time, abolish any or all positions created pursuant to this section.

CHAPTER 243

An act to repeal Section 1365 of the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor May 3, 1963 Filed with Secretary of State May 3, 1963.]

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

SECTION 1. Section 1365 of the Revenue and Taxation Code is repealed.

CHAPTER 244

An act to amend Section 258 of the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor May 3, 1963 Filed with Secretary of State May 3, 1963.]

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

SECTION 1. Section 258 of the Revenue and Taxation Code is amended to read:

258. The affidavit for the college exemption shall show that:

(a) The educational institution is of collegiate grade and is not conducted for profit.

(b) The grounds for which exemption is claimed are those within which its buildings are located.

(c) The property for which exemption is claimed is used exclusively for the purposes of education.

Any additional proof of the facts stated may be required by the assessor.

The exempt grounds need not be contiguous or in one tract.

CHAPTER 245

An act to amend Sections 1822, 1823 and 1824 of, and to add Section 1822.5 to, the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor May 3, 1963. Filed with Secretary of State May 3, 1963.]

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

SECTION 1. Section 1822 of the Revenue and Taxation Code is amended to read

1822 If any county, city and county, or municipal corporation desires to secure a review, equalization, or adjustment of the assessment of its property by the board in pursuance of Section 1 of Article XIII of the State Constitution, it shall apply to the board therefor in writing on or before the third Monday in July, or within two weeks after the completion and delivery by the assessor of the local roll containing such assessment to the clerk of the board of supervisors as provided in Section 617, whichever is the later. The application shall show the facts claimed to require action of the board, and a copy thereof shall be filed with the assessor whose assessment is questioned

Upon receipt of a timely application the board shall afford the applicant notice and a hearing in accordance with such rules and regulations as the board may prescribe.

SEC. 2. Section 1822.5 is added to said code, to read:

1822.5. When the review, equalization, and adjustment are completed, the secretary of the board shall transmit to the auditor and the governing body of the taxing agency whose assessment is questioned, and to the applicant a notice of the action of the board with respect to the assessment. The notice is prima facie evidence of the regularity of all proceedings of the board resulting in the action which is the subject matter of the notice. Upon receipt of the notice the auditor shall enter upon the local roll any change in the assessment resulting from the action of the board.

SEC. 3. Section 1823 of said code is amended to read:

1823. The final action of the board in equalizing a local roll shall be performed only at the state capital. On September 2d of each year, the secretary of the board shall transmit to each county auditor and the board of supervisors and each city council involved a preliminary statement of the per centum that the board proposes to add to or deduct from the valuation of the roll.

Upon the request of any county that receives such a statement which desires to be heard with respect to the statement, an opportunity for such a hearing shall be afforded by the board. The request shall be submitted in writing by the board of supervisors prior to September 10th. The board shall consider all pertinent evidence offered at the hearing, and if such evidence warrants a change in the statement, it shall so find and alter the statement accordingly. Otherwise, the statement shall remain unchanged.

The preliminary statement shall become final on September 10th if no hearing is requested. If a hearing is requested the final determination shall be made by the board and the auditor shall be notified not later than September 25th.

The final statement is prima facie evidence of the regularity of all proceedings of the board resulting in the action which is the subject matter of the statement.

SEC. 4. Section 1824 of said code is amended to read:

1824. As soon as the statement becomes final, the auditor shall enter the corresponding changes in a column provided with a proper heading on the roll, and shall add the column to show the total value of the property in the county as corrected by the board.

The auditor may count any fractional sum when more than five dollars ($5) as ten dollars ($10), and omit it when five dollars ($5) or less, so that no separate valuation contains a fraction of ten dollars ($10).

CHAPTER 246

An act to amend Section 36 of the Alameda County Flood Control and Water Conservation District Act (Chapter 1275, Statutes of 1949), relating to the establishment of zones of the flood control district in Pleasanton or Murray Townships.

[Approved by Governor May 3, 1963. Filed with Secretary of State May 3, 1963.]

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

SECTION 1. Section 36 of the Alameda County Flood Control and Water Conservation District Act (Chapter 1275, Statutes of 1949) is amended to read:

Sec. 36. Notwithstanding any other provisions of this act, the following shall apply with respect to the establishment, government, operation and financing of any zone lying wholly or in part in Pleasanton or Murray Townships:

1. The board of supervisors shall have no authority to proceed with the establishment of any zone lying wholly or in part in Pleasanton or Murray Townships without first obtaining the approval thereof by a vote of a majority of the qualified electors voting at a regular or special election on said proposition, said election shall in all particulars be held, as nearly as practicable, in conformity with the general election laws of the State, and the cost thereof shall be reimbursed to the district if a zone is established.

2. Any zone established by the board of supervisors under the provisions of this act lying wholly or in part in Pleasanton or Murray Townships, shall be governed and controlled by a board of seven (7) directors elected by the qualified electors residing within the boundaries of said zone. The first members of said board shall be elected at the election called by the board of supervisors upon the proposition for establishment of said zone.

The term of directors shall be four years from and after their election commencing with the election of three directors in 1960 and four directors in 1962. Elections for directors shall be consolidated with the direct primary election in each even-numbered year and shall be called by proclamation of the board of supervisors of the county, issued in the manner specified in Section 1005 of the Elections Code. Terms of office shall commence July 1st of the year in which elected

The term of office of the two directors whose present terms expire in 1961 are hereby extended to 1962, at which time said two offices shall be filled by election together with the two offices whose terms expire in 1962 under the provisions of this section as it read as amended by Chapter 20 of the Statutes of 1957.

Vacancies in the membership of a board shall be filled for the unexpired term by appointment by a majority of the remaining members of the board. Every voter resident within the

zone for the period requisite to enable him to vote at the direct primary is entitled to vote at zone elections. Polling places and election officers shall be the same as provided for in the direct primary elections.

The name of the candidate shall be printed on the ballot when a nominating petition and declaration of acceptance have been filed with the county clerk. Each nominating petition shall be signed by not less than 5 nor more than 20 persons each of whom meets the qualifications hereinafter set forth. Each nominating petition and declaration of acceptance shall be in substantially the following respective forms:

NOMINATING PETITION AND DECLARATION OF ACCEPTANCE

STATE OF CALIFORNIA }
COUNTY OF ALAMEDA } ss

I (or we) the undersigned certify that I join in a petition for the nomination of _____ for the office of Director of Zone 7 of the Alameda County Flood Control and Water Conservation District to be voted for at the election on the _____ day of _____, 19___. I am a qualified elector, residing in the zone. I am not at this time a signer of any other petition nominating any other candidate for the office, or in case there are several places to be filled in the same office I have not signed more petitions than there are places to be filled in the office.

(Signed) _____

STATE OF CALIFORNIA }
COUNTY OF ALAMEDA } ss

_____ being first duly sworn deposes and says: That he is one of the persons who signed the foregoing petition and that the signatures are the signatures of the persons whose names they purport to be.

STATE OF CALIFORNIA }
COUNTY OF ALAMEDA } ss

I hereby accept the nomination as a candidate for the office of Board of Directors of Zone 7 of the Alameda County Flood Control and Water Conservation District to be voted for at the primary election to be held _____, 19___, and if nominated I will not withdraw and will qualify for the office if elected.

(Signed) _____

The nominating petition may be upon one or more sheets of paper.

Each petition shall contain the name of only one candidate.

Each signer shall be a qualified elector, residing in the zone, and shall not at the time of the signing have his name signed

to any other petition for any other candidate for the same office, nor in case there are several places to be filled in the same office, signed to more petitions for that office than there are places to be filled for that office.

Each nominating petition shall be verified under oath of one of the signers that the signatures are the signatures of the persons whose names they purport to be.

A nominating petition shall be presented to the county clerk not more than 90 nor less than 60 days before the election.

If, on the 60th day prior to the day fixed for the zone election, only one person has been nominated for each office of member of the board of directors or no one has been nominated for one or more of such offices, and if on the 50th day prior to the day fixed for the election a petition signed by 5 percent of the qualified electors in the zone, requesting that the election be held, has not been presented to the board of directors of the zone, said board of directors shall by resolution entered in their minutes order that an election shall not be held, and shall immediately request that the board of supervisors of the county appoint, and the board of supervisors shall thereupon appoint, to the office or offices the person or persons, if any, who have been nominated. If no person has been nominated for any office, the board of supervisors shall appoint any qualified person to the office prior to the date when the election would have been held. The person appointed shall qualify and take office and serve exactly as if elected at a zone election.

In such instances notices shall be posted in 3 public places in the zone at least 10 days before the date fixed for the election, which notices shall state that no election is to be held and that the board of supervisors will appoint, or has appointed, a member or members of the board of directors to serve for the ensuing term.

When a petition is presented for filing the county clerk shall forthwith examine it and ascertain whether or not it conforms to this section.

If found not sufficient it shall be returned to the person who presented it.

The county clerk shall cause the ballots to be printed and they shall contain the names of the candidates whose petitions have been filed as provided in this section.

The directors shall be elected at large and, except as provided herein, the election of said directors shall be conducted in substantially the same manner as provided by state law for direct primary elections.

The directors must be residents of the proposed zone and qualified electors and owners of real property therein.

The board of directors may authorize each director to receive compensation not exceeding twenty-five dollars ($25) for each meeting of the board attended by him, not exceeding two (2) meetings in any calendar month, and his actual and necessary expenses incurred in performance of official duties under this act, payable from the funds of said zone.

3. The board of directors of any zone in which directors have been elected as provided in this act shall have the power to make and enforce all needful rules and regulations for the administration and government of the zone and the zone board may in its discretion appoint a chairman, a secretary and such other officers, agents and employees for the zone board or zone as in its judgment may be deemed necessary, prescribe their duties and fix their compensation. Such officers, agents and employees shall be appointed under and pursuant to the civil service rules and regulations of the County of Alameda; provided, however, that the chairman and secretary of the board, and experts, consultants or technical or other advisers for particular purposes and laborers, employed for a temporary period, may be appointed by the zone board without reference to any classified civil service list.

4. If any of the reports, supplementary reports, additional reports or recommendations provided for in Section 9 of this act relate to projects or work in any zone in which a zone board of directors has been elected as provided in this act, full and complete copies thereof shall be filed with the zone board immediately upon the filing of such with the board of supervisors.

5. If, under the provisions of Section 10 of this act, the board finds that any project or work of improvement is in whole or in part for the benefit of any zone in which a board of directors has been elected, the approval or concurrence of the zone board shall be obtained before any final determination is made to proceed with such project or work of improvement.

6. No proceeding shall be commenced or taken by the board under Section 11 of this act for the institution of any project or work of improvement in whole or in part in any zone in which a board of directors has been elected, until the board has first received the approval or concurrence of said zone board to the institution of said project or work of improvement.

7. In any zone in which a board of directors has been elected, the tax or assessment for any purpose or purposes, other than administrative costs and expenses of the district, shall be based upon a budget or budgets prepared by, or under the direction of, the zone board of directors.

The taxes and assessments (other than the tax to pay the general administrative costs and expenses of the district and other than any taxes levied pursuant to Section 16 hereof to pay bonds and interest thereon) levied by the board pursuant to Section 12 of this act upon any property in any zone lying wholly or in part in Pleasanton or Murray Townships shall not exceed in the aggregate the sum of fifteen cents ($0.15) on each one hundred dollars ($100) of assessed valuation unless a larger tax has been approved by a vote of not less than two-thirds (⅔) of the qualified electors voting upon the proposition to increase such tax.

8. No proceeding shall be commenced or taken by the board under Section 13 of this act for the incurring of a bonded

indebtedness to pay the cost of any work or improvement in any zone in which a board of directors has been elected, until the board has first received the approval or concurrence of said zone board to the incurring of such bonded indebtedness.

The amount of bonded indebtedness outstanding at any time shall not exceed five percent (5%) of the assessed valuation of all taxable property in any zone lying wholly or in part in Pleasanton or Murray Townships.

CHAPTER 247

An act to amend Section 37 of the Alameda County Flood Control and Water Conservation District Act (Chapter 1275, Statutes of 1949), relating to annexations.

[Approved by Governor May 3, 1963. Filed with Secretary of State May 3, 1963.]

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

SECTION 1. Section 37 of the Alameda County Flood Control and Water Conservation District Act (Chapter 1275, Statutes of 1949) is amended to read:

Sec. 37. Notwithstanding any other provisions of this act, the following shall apply with respect to the annexation of new territory to any zone:

1. A petition for annexation by election signed by 25 percent of the freeholders residing in the territory proposed to be annexed as shown by the last equalized assessment roll of the county, shall be presented to the board. The petition shall designate specifically the boundaries of the territory proposed to be annexed, and its assessed valuation as shown by the last equalized assessment roll; shall state that the territory is not within the limits of any other zone; and shall ask that the territory be annexed to the zone. The petition shall be accompanied by a bond in the sum of not less than one hundred dollars ($100), to be approved by the board and filed with the clerk of the board as security for the payment by the petitioners of the reasonable cost of the election on annexation, in the event that at the election, less than a majority of the votes cast are in favor of annexation. The petition shall be verified by the affidavit of one of the petitioners. The petition shall be published by the petitioners for at least two weeks preceding its hearing in a newspaper of general circulation published in the zone, if there is one, and if not, in a newspaper of general circulation published in the district, together with a notice stating the number of signers of the petition, the time when the petition will be presented to the board, and that all persons interested may appear and be heard. It shall not be necessary to publish the names of the signers. At the time specified for the hearing, the board shall hear the petition and

may adjourn the hearing from time to time. Upon final hearing of the petition, the board, if it approves the petition as originally presented, or in a modified form, shall make an order describing the exterior boundaries of the territory proposed to be annexed and ordering that an election be held for the purpose of determining whether or not the territory shall be annexed to the zone The order shall fix the day of the election, which shall be within 60 days from the date of the order, and shall show the boundaries of the territory proposed to be annexed to the zone. This order shall be entered in the minutes and is conclusive evidence of a due presentation of a proper petition, and of the fact that each of the petitioners was, at the time of the signing and presentation of the petition, qualified to sign. If a majority of the votes in the territory proposed to be annexed and an election called therein by the board for that purpose are in favor of the annexation the clerk of the board shall make and cause to be entered in the minutes and endorsed on the petition an order approving the petition and the petition shall be filed The entry is conclusive evidence of the fact and regularity of all prior proceedings of every kind required by law and of the facts stated in the entry. The board at its next regular meeting after the entry shall, by an order, alter the boundaries of the zone and annex to it the territory described in the petition. The order of the board is conclusive evidence of the validity of all prior proceedings leading up to the annexation and recited in the order, and from and after the order the territory is a part of the zone. If, at the election, less than a majority of the votes in a territory proposed to be annexed are in favor of the annexation of the territory to the zone, the signers of the petition shall, within 10 days after the canvassing of the votes of the election, pay to the board the reasonable cost of the election and if not paid within 10 days, the board may sue on the bond to recover the cost of the election. If the result of the election is against annexation, the board shall, by order, disapprove the petition and enter the order in its minutes. No other proceeding shall be taken in relation thereto until the expiration of six months from the presentation of the petition, except to collect the costs of the election.

2. A petition for annexation without election signed by the owners of real property in the territory proposed to be annexed, which real property represents at least 75 percent of the total assessed valuation of the territory as shown by the last equalized county assessment roll shall be presented to the board. The petition shall designate specifically the boundaries of the territory and its assessed valuation as shown by the last equalized county assessment roll and shall show the amount of real property owned by each of the petitioners and its assessed valuation as shown by the last equalized county assessment roll. The petition shall state that the territory is not in any other zone and shall ask that the territory be annexed to the zone. The petition shall be verified by the affidavit of one of

the petitioners. It shall be published by petitioners at least two weeks preceding the hearing in a newspaper of general circulation published in the zone, if there is one, and if not, in a newspaper of general circulation published in the district. With the petition there shall be published a notice stating the number of signers of the petition, the time when the petition will be presented to the board and stating that all persons interested may appear and be heard. It shall not be necessary to publish the names of the signers. At the time designated the board shall hear the petition and any person interested, and may adjourn the hearing from time to time. Upon the hearing of the petition, the board shall determine whether or not it is for the best interests of the zone and the contiguous territory that the territory be annexed to the zone and the board may modify the boundaries of the territory proposed to be annexed as set forth in the petition. If the board upon final hearing determines that it is for the best interests of the zone and of the territory proposed to be annexed, that the territory be annexed it shall make an order describing the boundaries of the territory proposed to be annexed and shall alter the boundaries of the zone and annex to it the territory described in the petition and the territory is then a part of the zone.

3. The city council of any city within the County of Alameda may apply to the board for consent to annex the territory of the city, or any portion thereof, to an existing zone. Such application shall be in the form of an ordinance adopted by a majority of the members of the city council of said city, shall describe the boundaries of the city or that portion thereof desired to be annexed, and shall contain a declaration that the area to be annexed to the zone will be benefited by such annexation. Upon receipt of a certified copy thereof from the city council the board shall fix a time and place for public hearing of said ordinance and notice of such hearing shall be given by publication for at least two weeks in a newspaper of general circulation circulated in such zone, if there be such newspaper, and if there be no such newspaper then by publication in a newspaper of general circulation published in the district. Publication shall be completed at least seven days before the date of the hearing. Said notice shall contain a copy of the ordinance of the city council and state that all persons interested may appear and be heard. At the time fixed for the hearing or at any time to which it is continued the board shall hear and pass upon the proposal and any objections that may be filed to the inclusion of any property in the proposed annexation. The board shall determine whether or not annexation is in the best interests of the zone and the territory proposed to be annexed and the board may modify the boundaries of the territory proposed to be annexed. If the board upon final hearing determines that the territory proposed to be annexed, or any part thereof, and the zone, will be benefited by annexation,

it may by resolution order that the boundaries of the zone be altered to include that territory and the territory is then a part of the zone.

4. No petition or application for annexation by any of the above-mentioned methods shall be accepted by the board if a zone annexation petition or application involving any of the same territory is pending before it.

5. Whenever any new territory is annexed to a zone it thereupon becomes subject to all the liabilities and entitled to all the benefits of the zone; provided, further, that as a condition of annexation the board may by resolution determine that each parcel of the territory to be annexed should pay its proportionate share of all costs previously paid for by other properties within said zone and shall in said resolution fix the amount to be contributed by each parcel.

CHAPTER 248

An act to amend Section 6545 of the Business and Professions Code, relating to barbers.

[Approved by Governor May 3, 1963. Filed with Secretary of State May 3, 1963.]

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

SECTION 1. Section 6545 of the Business and Professions Code is amended to read:

6545. Any person is qualified to receive a certificate of registration to practice barbering if he complies with each of the following:

(a) He is qualified under the provisions of Section 6546 of this chapter.

(b) He is at least 19 years of age.

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

(d) He has practiced as a registered apprentice for a period of 18 months under the immediate personal supervision and employment of a registered barber, except that a registered apprentice who completes a 12-months' apprenticeship program approved by the board and established under the provisions of Chapter 4 (commencing with Section 3070) of Division 3 of the Labor Code shall be required to serve as a registered apprentice for a period of only 15 months.

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

An applicant for a certificate of registration to practice as a registered barber who fails to pass a satisfactory examination conducted by the board, shall continue to practice as an apprentice for an additional six months under the immediate personal supervision and employment of a registered barber, before he is again entitled to take the examination.

CHAPTER 249

An act to add Section 34090.7 to the Government Code, relating to destruction of city records.

[Approved by Governor May 3, 1963. Filed with Secretary of State May 3, 1963.]

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

SECTION 1. Section 34090.7 is added to the Government Code, to read:

34090 7. Notwithstanding the provisions of Section 34090, the legislative body of a city may prescribe a procedure under which duplicates of city records less than five years old may be destroyed if they are no longer required.

CHAPTER 250

An act to amend Section 588a of the Penal Code, relating to depositing injurious matter upon the highway.

[Approved by Governor May 3, 1963. Filed with Secretary of State May 3, 1963.]

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

SECTION 1. Section 588a of the Penal Code is amended to read:

588a. Any person who throws or deposits any oil, glass bottle, glass, nails, tacks, hoops, wire, cans, or any other substance likely to injure any person, animal or vehicle upon any public highway in the State of California shall be guilty of a misdemeanor; provided, however, that any person who willfully deposits any such substance upon any public highway in the State of California with the intent to cause great bodily injury to other persons using the highway shall be guilty of a felony.

CHAPTER 251

An act to repeal Section 7853 of, to amend Sections 7753, 7754, 7758, 7851, 7852, and 8105 of, to repeal Article 3 (commencing with Section 7951) of Chapter 3 of Division 7 of, and to add Article 6 (commencing with Section 8425) to Chapter 4 of Division 7 of, the Education Code, relating to the public school system.

[Approved by Governor May 3, 1963. Filed with Secretary of State May 3, 1963.]

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

SECTION 1. Section 7753 of the Education Code is amended to read:

7753. The course for continuation high schools shall be designed to fit the needs of minors who attend continuation classes.

SEC. 2. Section 7754 of said code is amended to read:

7754. The course of study for senior high schools shall be designed to fit the needs of pupils of the 10th, 11th, and 12th, or of the 11th and 12th grades and shall be designed to meet the requirements of Section 7700 so that upon completion of grade 12 any pupil will have completed the courses required by Section 7700.

SEC. 3. Section 7758 of said code is amended to read:

7758. (a) Subject to regulations which the State Board of Education shall prescribe, the governing board of any school district maintaining a four year high school or senior high school may, for any person included in subdivision (b), evaluate classes completed in any high school, junior college, or state college; grant credit toward graduation for military service and training received while in the military service of the United States, and if satisfied that such person has completed the equivalent of the requirements for graduation from high school, grant him a diploma of graduation.

(b) Persons who may be granted a diploma pursuant to subdivision (a) are:

(1) A veteran who is a resident of this State.

(2) A former member of the armed forces who is such a resident and who has received other than a dishonorable discharge.

(3) A member of the armed forces who is, and on the date he entered the armed forces was, such a resident.

SEC. 4. Section 7851 of said code is amended to read:

7851. Each teacher shall endeavor to impress upon the minds of the pupils the principles of morality, truth, justice, patriotism, and a true comprehension of the rights, duties, and dignity of American citizenship, to teach them to avoid idleness, profanity, and falsehood, and to instruct them in manners and morals and the principles of a free government.

SEC. 5. Section 7852 of said code is amended to read:

7852. Instruction upon the nature of alcohol and narcotics and their effects upon the human system as determined by science shall be included in the curriculum of all elementary and secondary schools. The governing board of the district shall adopt regulations specifying the grade or grades and the course or courses in which such instruction with respect to alcohol and narcotics shall be included. All persons responsible for the preparation or enforcement of courses of study shall provide for instruction on the subjects of alcohol and narcotics.

SEC. 6. Section 7853 of said code is repealed.

SEC. 7. Section 8105 of said code is amended to read:

8105. (a) The governing board of each district maintaining a secondary school shall provide automobile driver education for pupils enrolled in the regular full-time day secondary schools in the district. Such automobile driver education shall be offered in such classes, except classes in English or history required by Section 7700, as may be prescribed by the governing board. Such driver education shall be given in one of the grades 9, 10, 11, or 12 in every such secondary school but need not be given in any such secondary school which terminates with the ninth or tenth grade. Such driver education shall be given all such pupils prior to graduation from the 12th grade except as otherwise permitted under this section.

(b) A pupil who has completed such driver education in any secondary school shall not be required to repeat such driver education in another secondary school in the same or another district.

(c) The governing board of a district may grant such exemptions as it determines to be desirable to a pupil who transfers to a school in such district in which driver education is given in a grade lower than the grade to which the pupil is admitted upon transfer, but the governing board shall provide a driver education course which meets all State Board of Education rules and regulations for all transfer students who request to be enrolled in such course.

(d) Notwithstanding the foregoing provisions of this section the governing board of a school district may make application to the State Department of Education for a partial or total exemption during each succeeding school year in respect to one or more of the schools in the district from the requirement that the district maintain automobile driver education in the school or schools named in the application. The application may be granted by the State Department of Education only when it determines upon the basis of the application that it is not practical for good and sufficient reasons to maintain driver education in any designated school or schools.

SEC. 8. Article 3 (commencing with Section 7951) of Chapter 3 of Division 7 of said code is repealed.

SEC. 9. Article 6 (commencing with Section 8425) is added to Chapter 4 of Division 7 of said code, to read:

Article 6. Outdoor Science, Conservation, and Forestry

8425. The governing board of any school district may:

(a) Conduct programs and classes in outdoor science education and conservation education within or without the boundaries of the school district and for that purpose employ instructors, supervisors, and other personnel and provide necessary equipment and supplies.

(b) Acquire and maintain real or personal property needed for outdoor science education and conservation education programs and classes either within or without the boundaries of the school district either by purchase, rental, lease, gift, or other means in the same manner as if the property were within the boundaries of the school district.

(c) Contract with the United States, the State of California, any city, county, city and county or school district therein, or any combination thereof for the joint operation and maintenance of such programs and classes in outdoor science education and conservation education or for assistance in their operation and maintenance.

(d) Transport or arrange transportation of pupils, instructors, supervisors or other personnel to or from places where such programs and classes are being conducted, whether within or without the district; provided, such transportation is within the State and not in excess of a radius of 180 miles from the school or schools of the district.

8426. The governing board of any school district may:

(a) Conduct courses in forestry, and for that purpose employ instructors and supervisors of classes, and acquire necessary equipment.

(b) Acquire forest lands outside the boundary of the district by lease for a period not exceeding five years, or purchase or sell such lands in the same manner as lands within the boundary of the district are purchased or sold.

(c) Afforest and reforest, and plant trees, shrubs, and vines, on such lands, or upon any public lands which may be placed at its disposal, and enter into contracts and agreements with the government of the United States, the State, or any political subdivision thereof for such purpose.

(d) Transport pupils, instructors, or supervisors of classes to or from classes or places where such work is being done, whether within or without the district, in the same manner and subject to the same limitations as in transporting pupils to and from school.

8427. The county superintendent of schools may, with the approval of the county board of education, enter into agreements with the governing board of one or more school districts to provide programs and classes in outdoor science education and conservation education for pupils in the district of the

sixth grade or any higher grade. Except as otherwise provided in this article, the agreement shall provide for the payment by the district of the actual cost of providing such programs or classes. The county superintendent of schools shall transfer from the funds of the district to the county school service fund the amounts set forth in the agreement.

8428. The school district or districts entering into such agreements with the county superintendent of schools may agree to make capital outlay expenditures, as well as pay for the other costs of the program. Title to all property acquired by such capital outlay expenditures shall be vested in the office of the county superintendent of schools, and the participating school districts shall have no interest in such property, nor in the proceeds of any sale, lease, exchange, or other disposition of such property, unless the parties otherwise provide in the agreement which authorizes the acquisition of such property.

8429. Except as otherwise provided, all of the powers and duties authorized for governing boards of school districts by Section 8425 are powers and duties of the county superintendent of schools whenever, pursuant to this article, he provides programs and classes in outdoor science education and conservation education.

8430. The county superintendent of schools may, with the approval of the county board of education, acquire by gift and maintain real or personal property needed for such programs and classes with title thereto vested in the office of the county superintendent of schools The school districts participating in such programs and classes shall not be required to reimburse the county superintendent of schools for use of real and personal property which is acquired by gift

8431. The county superintendent of schools may, with the approval of the county board of education, provide the co-ordination services authorized by Section 8503 in connection with programs and classes in outdoor science education and conservation education and the participating districts shall not be required to reimburse the county superintendent for the cost of such co-ordination services.

8432. Any such agreement between the county superintendent of schools and school districts may provide for the purchase or lease of any real property necessary to conduct classes in outdoor science education and conservation education. If real property is purchased pursuant to such an agreement, title to such real property shall be vested in the office of the county superintendent of schools and the participating school districts shall have no interest in such property, nor in the proceeds of any sale, lease, exchange, or other disposition of such property, unless the parties otherwise provide in the agreement which authorizes the acquisition of such property.

8433. The county superintendent of schools may, with the approval of the county board of education, lease any real or personal property for the purpose of care, teaching and training of physically handicapped or mentally retarded children at

such time as said property is not required for outdoor science education and conservation education, upon such terms and conditions as are agreed upon.

8434. The county superintendent of schools may, with the approval of the county board of education, convey any real property, title to which is vested in the office of the county superintendent of schools, to the United States of America in exchange for other real property of comparable value, upon such terms and conditions as are agreed upon.

8435. The county superintendent of schools may, with the approval of the county board of education, sell, lease, exchange, or otherwise dispose of real or personal property, title to which is vested in his office, pursuant to the same procedures as are established by law for the sale, lease, exchange, or other disposition of real or personal property by a school district. Unless otherwise provided in the agreement which authorized the purchase of such real or personal property, the proceeds of any such sale, lease, exchange, or other disposition of real or personal property shall be vested in the office of the county superintendent of schools.

8436. All proceeds from the sale, lease, exchange, or other disposition of real or personal property received by the county superintendent of schools pursuant to the provisions of this article shall be used for the purpose of acquiring other real or personal property for use in connection with programs and classes in outdoor science education and conservation education or to pay the cost of conducting such programs and classes. The school districts participating in such programs and classes shall not be required to reimburse the county superintendent of schools for use of the real or personal property acquired with such funds nor shall they be required to reimburse the county superintendent of schools for any of the costs of conducting such programs and classes which are paid by the county superintendent of schools out of such funds.

8437. If during a period of five consecutive school years, no programs and classes in outdoor science education and conservation education are conducted by the county superintendent of schools pursuant to this article, all real and personal property, title to which is vested in the county superintendent of schools, and all proceeds from the sale, lease, exchange, or other disposition of such real and personal property, shall become part of the county school service fund and may be used for any purpose authorized by the laws applicable to said fund, unless the parties otherwise provide in the agreement which authorizes the acquisition of such property.

CHAPTER 252

An act to amend Section 22350 of the Vehicle Code, relating to regulation of speed.

[Approved by Governor May 3, 1963. Filed with Secretary of State May 3, 1963.]

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

SECTION 1. Section 22350 of the Vehicle Code is amended to read:

22350. No person shall drive a vehicle upon a highway at a speed greater than is reasonable or prudent having due regard for weather, visibility, the traffic on, and the surface and width of, the highway, and in no event at a speed which endangers the safety of persons or property.

CHAPTER 253

An act to add Section 60328 to, to repeal Section 60338 of, and to amend Section 60350 of, the Water Code, relating to water replenishment districts.

[Approved by Governor May 3, 1963. Filed with Secretary of State May 3, 1963.]

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

SECTION 1. Section 60328 is added to the Water Code, to read:

60328. The board shall authorize, and the district shall make, refunds in whole or in part of replenishment assessments theretofore paid, to any producer who has erroneously overstated his production of ground water in any sworn statement for a quarterly period required under the provisions of Section 60326, and who has overpaid his replenishment assessment for that quarter, but only upon compliance by the producer with the procedure hereinafter set forth and within the time hereinafter provided.

Any such producer, within one year of the last day for filing of the said sworn statement for the quarterly period in question, may file a verified application with the district on a form to be furnished by the district, containing such information as the district may require, requesting a refund of that portion of any replenishment assessment claimed to have been paid by reason of that producer's erroneous overstatement of ground water production. If incomplete information is contained in said application, or if the board desires other or further information than called for by that application, the same shall also be furnished by a verified statement within 30 days of mailing of written notice of request therefor to the producer

at his address as shown by the district's records, or the application shall be deemed abandoned. Such request by the board shall not cause any application otherwise timely filed to be considered as not filed within said one-year period. The board may authorize, and the district may pay, any refund claimed without a hearing thereon, but no application shall be denied in whole or in part without a hearing being accorded to the applicant in which he shall have the burden of proof. Any determination by the board on any matter in connection with said application shall be final and conclusive upon the producer.

Any refund authorized to be paid under the provisions of this section may be paid only out of moneys realized from replenishment assessments levied pursuant to Section 60317, then or thereafter raised. Upon election of the producer, any refund determined by the board to be owing may be credited to the producer against any subsequent replenishment assessments which might become due and owing from him. No refunds shall be made except as authorized by this section.

SEC. 2. Section 60338 of said code is repealed.

SEC. 3. Section 60350 of said code is amended to read:

60350. Commencing with the third fiscal year following a final adjudication of all or substantially all of the rights to extract ground water and a determination of the natural safe yield of the ground water supplies within the district, and a determination of the amount or extent to which the rights to extract ground water so adjudicated may be exercised without exceeding the natural safe yield of such ground water supplies, the board of such district shall recognize such judicial determination by exempting from replenishment assessments the amount of water pumped by each person whose rights have been so adjudicated which does not exceed his proportionate share of the natural safe yield of the ground water supplies of the district, as so adjudicated from time to time by the court having jurisdiction over such adjudication proceeding. The replenishment assessment shall thenceforth be levied on each producer by multiplying the production in acre-feet of ground water so produced by such producer's water-producing facility in excess of his said adjudicated share of the natural safe yield by the rate of the replenishment assessment fixed and levied by the board for the fiscal year in which such production shall occur.

Upon such final adjudication, the board may, and within 90 days after receipt of a written notice from a producer shall, by resolution make a determination whether the adjudication will invoke the provisions of this section as of the beginning of the third fiscal year. Such determination is subject at any time to review de novo by any court of competent jurisdiction in any action for declaratory relief, or other appropriate action.

CHAPTER 254

An act to amend Section 12006 of the Business and Professions Code, relating to weights and measures.

[Approved by Governor May 3, 1963. Filed with Secretary of State May 3, 1963.]

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

SECTION 1. Section 12006 of the Business and Professions Code is amended to read:

12006. "County sealer" means any sealer appointed by a county. A county may in its discretion refer to its sealer as the county director of weights and measures.

CHAPTER 255

An act to amend Section 22103 of the Vehicle Code, relating to turning in a residence district.

[Approved by Governor May 3, 1963. Filed with Secretary of State May 3, 1963.]

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

SECTION 1. Section 22103 of the Vehicle Code is amended to read:

22103. No vehicle in a residence district shall be turned so as to proceed in the opposite direction when any other vehicle is approaching from either direction within 200 feet, except at an intersection.

CHAPTER 256

An act to amend Section 42005 of the Vehicle Code, relating to safety zone violations.

[Approved by Governor May 3, 1963. Filed with Secretary of State May 3, 1963.]

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

SECTION 1. Section 42005 of the Vehicle Code is amended to read:

42005. Every person convicted of a violation of Sections 21709, 21950 or 21951 shall be punished by a fine of not exceeding fifty dollars ($50) or by imprisonment in the county jail for not exceeding five days, except that such a violation proximately causing bodily injury to the pedestrian shall be punished as a misdemeanor.

CHAPTER 257

An act to amend Sections 27324 and 27263 of the Government Code, relating to indexing.

[Approved by Governor May 7, 1963. Filed with Secretary of State May 7, 1963.]

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

SECTION 1. Section 27324 of the Government Code is amended to read:

27324. Any instrument presented for recordation which contains thereon an endorsement indicating the kind or kinds of document it is to be indexed as, when accepted for recordation, shall be indexed by the recorder in every way indicated by the endorsement. The instrument need not be indexed in any other index or manner than as indicated by the endorsement.

SEC. 2. Section 27263 of said code is amended to read:

27263. The recorder may keep in the same volume any two or more of the indices enumerated in this article, but the several indices shall be kept distinct from each other and the volume distinctly marked on the outside so as to show all the indices kept in it. The names of the parties in the first column in the several indices shall be arranged in alphabetical order. When a conveyance is executed by a sheriff, the name of the sheriff and the party charged in the execution shall both be inserted in the index. When an instrument is recorded to which an executor, administrator, or trustee is a party, the name of the executor, administrator, or trustee and the name of the testator, or intestate, or party for whom the trust is held, shall be inserted in the index. The recorder need not index the name of the trustee in a deed of trust or in a partial or full deed of reconveyance. A trustee's deed given upon exercise of the power of sale under any deed of trust shall be indexed under the names of the original trustor and the grantee named therein.

CHAPTER 258

An act to amend Section 12755 of the Health and Safety Code, relating to fireworks.

[Approved by Governor May 7, 1963. Filed with Secretary of State May 7, 1963.]

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

SECTION 1. Section 12755 of the Health and Safety Code is amended to read:

12755. Nothing in this part shall be construed as permitting any person to set off fireworks of any kind in forest, fallows,

grass- or brush-covered land, either on his own land or the property of another unless it is done under a written permit from the State Forester or his duly authorized agent, and in strict accordance with the terms of the permit and any other applicable law.

CHAPTER 259

An act to amend Sections 888, 898, 904, 908 and 908.1 of, and to add Section 888.2 to, the Penal Code, relating to the number of members of grand juries.

[Approved by Governor May 7, 1963. Filed with Secretary of State May 7, 1963.]

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

SECTION 1. Section 888 of the Penal Code is amended to read:

888. A grand jury is a body of the required number of persons returned from the citizens of the county before a court of competent jurisdiction, and sworn to inquire of public offenses committed or triable within the county.

SEC. 2. Section 888.2 is added to said code, to read:

888.2. As used in this title as applied to a grand jury, "required number" means 23 in a county having a population exceeding four million and 19 in other counties.

SEC. 3. Section 898 of said code is amended to read:

898. The list of grand jurors made in a county having a population in excess of four million shall contain the number of persons which has been designated by the court in its order.

SEC. 4. Section 904 of said code is amended to read:

904. Every superior court, whenever in its opinion the public interest so requires, shall make and file with the county clerk an order directing a grand jury to be drawn. Such order shall designate the number of grand jurors to be drawn, which shall not be less than 29 nor more than 34 in counties having a population exceeding four million and not less than 25 nor more than 30 in other counties.

SEC. 5. Section 908 of said code is amended to read:

908. If the required number of the persons summoned as grand jurors are present and not excused, such required number shall constitute the grand jury. If more than the required number of such persons are present, the clerk shall write their names on separate ballots, which he shall fold so that the names cannot be seen, place them in a box, and draw out the required number of them. The persons whose names are on the ballots so drawn shall constitute the grand jury. If less than the required number of such persons are present, the panel may be filled as provided in Section 226 of the Code of Civil Procedure. If more of the persons summoned to complete a grand jury attend than are required, the requisite number shall be

obtained by writing the names of those summoned and not excused on ballots, depositing them in a box, and drawing as above provided.

SEC. 6. Section 908.1 of said code is amended to read:

908.1. When, after the grand jury consisting of the required number of persons has been impaneled pursuant to law, the membership is reduced by reason of:

1. Death;

2. Change of residence from the county of origin;

3. Illness of such a nature as to incapacitate the juror physically or mentally from attending sessions of the grand jury;

4. A subsequent loss of competency to act as a grand juror by reason of conviction of malfeasance in office or any felony or other high crime;

such vacancies within an existing grand jury may be filled, so as to maintain the full membership at the required number of persons, by the clerk of the superior court, in the presence of the court, drawing out sufficient names to fill the vacancies from the grand jury box, pursuant to law, or from a special venire as provided in Section 226 of the Code of Civil Procedure. No vacancy shall be filled pursuant to this section unless the superior court makes a finding, entered in records of the court, that the membership of the grand jury has been reduced below the required number of members because of the happening of an event prescribed in this section. No person selected as a grand juror to fill a vacancy pursuant to this section shall vote as a grand juror on any matter upon which evidence has been taken by the grand jury prior to the time of his selection.

CHAPTER 260

An act to repeal Section 6650.5 of the Welfare and Institutions Code, relating to state hospitals.

[Approved by Governor May 7, 1963 Filed with Secretary of State May 7, 1963]

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

SECTION 1. Section 6650.5 of the Welfare and Institutions Code is repealed.

CHAPTER 261

An act to amend Section 2137.1 of the Business and Professions Code, relating to state institutions.

[Approved by Governor May 7, 1963. Filed with Secretary of State May 7, 1963.]

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

SECTION 1. Section 2137.1 of the Business and Professions Code is amended to read:

2137.1. Subject to the provisions of the State Civil Service Act, any person who is licensed to practice medicine in any other state and who complies with each and all of the requirements of Section 2147.5 with respect to registration with the board and graduation from a school approved by the board, may be appointed to a medical staff within a state institution and, under supervision of a licensed physician and surgeon, may treat persons under the jurisdiction of any such state institution for a period not exceeding one year or until October 1, 1965, whichever is later; provided, that qualified physicians and surgeons cannot be recruited in the State of California. At the end of such time he must have secured a physician's and surgeon's certificate in order to continue as a member of such medical staff. Until such person has obtained a physician's and surgeon's certificate he shall not engage in the practice of medicine and surgery in this State except to the extent expressly herein permitted. No person appointed pursuant to this section shall be employed in any state institution or institutions for a period in excess of two years from the date such person was first employed. The provisions of this section shall terminate on October 1, 1965.

CHAPTER 262

An act to amend Section 8358 of the Education Code, relating to school district as employer.

[Approved by Governor May 7, 1963. Filed with Secretary of State May 7, 1963.]

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

SECTION 1. Section 8358 of the Education Code is amended to read:

8358. Notwithstanding any provisions of this code or the Labor Code to the contrary, the school district under whose supervision work experience education is provided shall be considered the employer under Division 4 of the Labor Code

of persons receiving such training unless such persons during such training are being paid a cash wage or salary by a private employer, or unless the person or firm under whom such persons are receiving work experience elects to provide workmen's compensation insurance.

CHAPTER 263

An act to amend Section 16002 of the Vehicle Code, relating to bond requirements.

[Approved by Governor May 7, 1963 Filed with Secretary of State May 7, 1963.]

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

SECTION 1. Section 16002 of the Vehicle Code is amended to read:

16002. If the driver at the time of the accident was driving a motor vehicle owned, operated, or leased by the employer of the driver and with the permission of the employer, then the driver shall within five days after the accident report the accident to his employer on a form approved by the employer Within 10 days after receipt of the report the employer shall transmit a report on a form approved by the department to the office of the department at Sacramento, except that an employer need not transmit the report to the department when the vehicle involved in the accident is owned or operated as described in Section 16051 or 16055 or is owned or operated by any person or corporation who has filed with the department a certificate of an insurance carrier or surety company that there is in effect a policy or bond meeting the requirements of Section 16059 and when the insurance policy or bond was in full force and effect in respect to the vehicle at the time of the accident.

CHAPTER 264

An act to amend Sections 19165, 19166 and 19171 of the Streets and Highways Code, relating to replacement of obsolete lighting systems in highway lighting districts.

[Approved by Governor May 7, 1963 Filed with Secretary of State May 7, 1963]

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

SECTION 1. Section 19165 of the Streets and Highways Code is amended to read:

19165 Upon the receipt of a petition signed by owners of taxable property representing 60 percent or more of the total assessed valuation of all taxable property within an existing

highway lighting district, or within a temporary zone requested to be established by said petition in the manner hereinafter provided in this chapter, the governing body of the district may replace an obsolete lighting system with a new modern county- or utility-owned lighting system where necessary for the proper operation of the district or of the portion thereof lying within such temporary zone.

SEC. 2. Section 19166 of said code is amended to read:

19166. A petition asking for the removal of obsolete lights and their replacement with modern county- or utility-owned lights pursuant to this chapter may request the board of supervisors to establish a temporary zone consisting solely of contiguous territory within the district which will be benefited by said replacement lights, for the purpose of levying a special tax therein to finance the cost of removal of the old lights and installation and temporary maintenance of the new lights. In such case the petition shall contain:

(a) A general description of the nature of the proposed replacement lights, together with a map showing the location thereof.

(b) An estimate of all costs or charges which will be incurred in connection with the removal of the old lights and the installation of the new lights, together with a statement as to the period of time, not to exceed three years, proposed for the payment of said costs or charges.

(c) An estimate of the average monthly cost of maintenance of the replacement lights.

(d) A description of the boundaries of the proposed temporary zone.

A proposal to form a temporary zone pursuant to this section shall be subject to the provisions of Chapter 3 of Title 6 of the Government Code to the same extent as a proposal to form a district.

SEC. 3. Section 19171 of said code is amended to read:

19171. With respect to a petition for the replacement of lights which includes no request for the establishment of a temporary zone, if the board of supervisors determines that it will be just and equitable and in the public interest for the additional cost, if any, of removing the obsolete lighting system and its replacement with a modern county- or utility-owned lighting system to be paid by the district as a whole, it shall immediately estimate the cost of replacement of the obsolete system and installation and maintenance of the modern system, and shall include in the regular tax levy for the first fiscal year in which it is possible to do so, a tax upon the taxable property within the district, at the equalized value thereof for that year, sufficient to pay such cost of replacement, installation and maintenance. After the tax levy has been made the governing body shall proceed with the replacement of the obsolete system and the installation and maintenance of the modern system.

CHAPTER 265

An act to amend Section 1695 of the Labor Code, relating to farm labor contractors.

[Approved by Governor May 7, 1963. Filed with Secretary of State May 7, 1963.]

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

SECTION 1. Section 1695 of the Labor Code is amended to read:

1695. Every licensee must:

(1) Carry his license with him at all times and exhibit the same to all persons with whom he intends to deal in his capacity as a farm labor contractor prior to so dealing.

(2) File at the United States Post Office serving the address of the licensee, as noted on the face of his license, a correct change of address immediately upon each occasion said licensee permanently moves his address.

(3) Promptly when due, pay or distribute to the individuals entitled thereto, all moneys or other things of value entrusted to the licensee by any third person for such purpose.

(4) Comply on his part with the terms and provisions of all legal and valid agreements and contracts entered into between licensee in his capacity as a farm labor contractor and third persons.

(5) Have available for inspection by his employees and by the grower with whom he has contracted, a written statement showing the rate of compensation he receives from such grower and the rate of compensation he is paying to his employees for services rendered to, for, or under the control of such grower.

(6) Take out a policy of insurance with any insurance carrier authorized to do business in the State of California in an amount satisfactory to the commissioner, which insures said licensee against liability for damage to persons or property arising out of the licensee's operation of, or ownership of, any vehicle or vehicles for the transportation of individuals in connection with his business, activities, or operations as a farm labor contractor.

CHAPTER 266

An act to amend Sections 54900, 54901 and 54903 of the Government Code, relating to the filing of statements on the creation of or change in the boundaries of a city or district.

[Approved by Governor May 7, 1963. Filed with Secretary of State May 7, 1963.]

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

SECTION 1. Section 54900 of the Government Code is amended to read:

54900. When there is a change in boundaries (1) of a city, (2) of a district, or special zone thereof, within a city the tax levy of which is carried on the regular city assessment roll, or (3)of a district, or special zone thereof, the tax or special assessment levy of which is carried on the regular county assessment roll, or when a city or any such district, or special zone thereof, is created, or when a district previously levying and collecting taxes or special assessments based upon its own assessment utilizes the regular city or county assessment roll, the tax or assessment levying authority of the city or district shall file or cause to be filed a statement of such creation or change, or of the exterior boundaries of the district and the special zones therein newly utilizing the regular city or county assessment roll.

SEC. 2. Section 54901 of said code is amended to read:

54901. The statement shall set forth the legal description of the boundaries of the district and its special zones newly utilizing the regular city or county assessment roll or of the city, district or zone created or changed and a map or plat indicating the boundaries.

SEC. 3. Section 54903 of said code is amended to read:

54903. The creation of any city, district or zone thereof or the change in its boundaries is not effective for assessment or taxation purposes nor shall the tax or the special assessment levy of a district previously levying and collecting taxes or special assessments based on its own assessment be carried on a city or county assessment roll unless the statement and map or plat is filed pursuant to this chapter.

CHAPTER 267

An act to add Section 24352.8 to the Health and Safety Code, relating to air pollution control districts.

[Approved by Governor May 7, 1963. Filed with Secretary of State May 7, 1963.]

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

SECTION 1. Section 24352.8 is added to the Health and Safety Code, to read:

24352.8. No supervisor, mayor, or city councilman shall hold office on the board for a period of more than three months after ceasing to hold the office of supervisor, mayor, or city councilman, respectively, and his membership on the board shall thereafter be considered vacant, except that any mayor who continues to hold office as a city councilman, or city councilman who continues to hold office as mayor, shall not be considered to have ceased to hold office under this section.

CHAPTER 268

An act to amend Sections 351 and 12501 of the Vehicle Code, relating to implements of husbandry.

[Approved by Governor May 7, 1963. Filed with Secretary of State May 7, 1963.]

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

SECTION 1. Section 351 of the Vehicle Code is amended to read:

351. "Implement of husbandry" includes any farm tractor, otherwise an implement of husbandry, used upon a highway to draw a farm trailer carrying farm produce, or to draw any trailer or semitrailer carrying other implements of husbandry, between farms, or from a farm to a processing or handling point and returning with or without the trailer.

SEC. 2. Section 12501 of said code is amended to read:

12501 The following persons are not required to obtain a driver's license:

(a) An officer or employee of the United States, while operating a motor vehicle owned or controlled by the United States on the business of the United States.

(b) Any person while driving or operating implements of husbandry incidentally operated or moved over a highway, except that the driver of any farm tractor while being used to draw a farm trailer carrying farm produce between farms or from a farm to a processing or handling point and return shall be in possession of a driver's license other than a junior permit.

CHAPTER 269

An act to amend Sections 7401 and 7454 of the Revenue and Taxation Code, relating to bonding requirements of distributors under the Motor Vehicle Fuel License Tax Law.

[Approved by Governor May 7, 1963 Filed with Secretary of State May 7, 1963.]

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

SECTION 1. Section 7401 of the Revenue and Taxation Code is amended to read:

7401. The provisions of this part requiring the payment of license taxes do not apply to any of the following:

(a) Natural gasoline distributed to a duly licensed distributor under such regulations as the board may prescribe.

(b) Motor vehicle fuel exported from this State by the distributor or delivered by the distributor to any vessel clearing from a port of this State for a port outside of this State and actually exported from this State in the vessel.

(c) Motor vehicle fuel distributed, or delivered on the order of the owner, to a distributor who has furnished bond as prescribed by Sections 7453 and 7454 of not less than fifty thousand dollars ($50,000), nor more than five hundred thousand dollars ($500,000), and who has established to the satisfaction of the board that this bond, together with property to which the lien imposed by Section 7871 attaches, is sufficient security to assure payment of all license taxes as they may become due to the State from him under this part.

(d) Motor vehicle fuel sold to the United States armed forces for use in ships or aircraft, or for use outside this State.

(e) Motor vehicle fuel distributed to any licensed distributor, or to any licensed broker who has furnished bond or other security in the form and amount required of distributors under Article 1 (commencing with Section 7451) of Chapter 4 of this part, for sale to the United States armed forces for use in ships or aircraft or use outside this State. Notwithstanding any other provisions of this part, the receiving of motor vehicle fuel in this State from a licensed distributor and the sale and delivery of the fuel to the United States armed forces pursuant to this subdivision shall not constitute a broker a distributor under this part.

Every distributor claiming an exemption shall report the exports, sales or distributions to the board in such detail as the board may require; otherwise the exemption granted in this section shall be null and void and all the fuel shall be considered distributed in this State subject fully to the provisions of this part.

SEC. 2. Section 7454 of said code is amended to read:

7454. Subject to the limitations provided in this section, the board shall fix the total amount of the bond or bonds required of any distributor and may increase or reduce the amount at any time. The total amount of the bond or bonds required of any distributor shall never be less than one thousand dollars ($1,000) nor more than three times the estimated average monthly tax liability of the distributor but not in excess of five hundred thousand dollars ($500,000).

CHAPTER 270

An act to amend Section 1194.95 of the Insurance Code, relating to investment of excess funds in electronic computer or data processing systems.

[Approved by Governor May 7, 1963. Filed with Secretary of State May 7, 1963.]

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

SECTION 1. Section 1194.95 of the Insurance Code is amended to read:

1194.95. Excess funds investments may be made in an electronic computer or data processing machine or system to be used in connection with the business of the insurer; provided, however, that such machine or system shall have an original cost of at least fifty thousand dollars ($50,000) and shall be amortized in full over a period not to exceed five full calendar years.

CHAPTER 271

An act to amend Section 1591 of the Insurance Code, relating to annual statements of alien insurers.

[Approved by Governor May 7, 1963. Filed with Secretary of State May 7, 1963.]

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

SECTION 1. Section 1591 of the Insurance Code is amended to read:

1591. In addition to complying with all other applicable requirements of this code, every admitted alien insurer shall on or before the first day of March in each year after the year 1941, file with the commissioner a statement on a form prescribed by him, showing as of the 31st day of December then next preceding, the following information:

(a) All of its assets within the United States on deposit with officers of any state thereof for the benefit and security of all the policyholders, or of all the policyholders and creditors, of such alien insurer within the United States. Such assets so deposited are designated "general state deposits."

(b) All of its assets within the United States, other than general state deposits, on deposit with officers of any state thereof for the benefit and security of all the policyholders, or policyholders and creditors, of such alien insurer within the state of deposit or of certain classes of policyholders, or policyholders and creditors, either within the state of deposit or within the United States. Such assets so deposited are designated "special state deposits." The value to be allowed in such statement for any special state deposit shall not exceed the liability secured thereby.

(c) All of its assets within the United States, other than general state deposits and special state deposits, held by any trustee for the benefit and security of all the policyholders or of all the policyholders and creditors, of such alien insurer within the United States. Such assets so held are designated "trusteed assets."

(d) The amount of interest receivable, accrued at the date of such statement on the general state deposits, the special state deposits, and the trusteed assets of such alien insurer, if such interest is collectible by the State or trustee.

(e) All of the reserves and other liabilities arising out of policies or obligations issued, assumed or incurred by such alien

insurer in the United States. Said reserves and other liabilities are designated as "liabilities in the United States."

For the purpose of determining the liabilities in the United States of such alien insurer there may be deducted:

(1) From the amount of such liabilities for unpaid losses, the amount, included therein, of reinsurance recoverable thereon from insurers authorized to do business in any state of the United States, subject to the same limitations as are contained in Sections 922.2 to 922.4, inclusive, and in Sections 922.6 and 922.8.

(2) From the amount of such liabilities for unearned premiums, first, the unearned portion, included in such amount, of premiums receivable by such alien insurer from its agents or policyholders under policies issued by it in the United States and not more than 90 days past due on the date of such statement, and second, subject to the same limitations as are contained in Section 922.4, the unearned portion, included in such amount of reinsurance premiums receivable by such alien insurer from other insurers authorized to do business in any state of the United States.

(3) The ratable portion, included in such liabilities, of the gross liabilities and reserves on risks reinsured, in whole or in part, by an alien insurer which complies with this article and includes in the statements required thereby all reserves and liabilities arising out of such reinsurance, or, subject to the same limitations as are contained in Sections 922.2 to 922.8, inclusive, by another insurer which is authorized to transact insurance in any state of the United States, except in the case of excess loss and catastrophe reinsurance where the deduction shall be on the basis of the actual reinsurance premiums and the actual reinsurance terms.

(4) Those liabilities in the United States, pertaining to any asset in the United States of such alien insurer, other than the assets described in subdivisons (a), (b), (c), and (d), but such deduction shall in no case exceed that portion of the value of such asset which is applicable to the liability pertaining thereto.

(5) If such alien insurer is a life insurer, the amount of the unpaid principal and interest of any loan made by it to the holder of, and solely on the security of, any policy of life insurance or annuity contract issued or assumed by it, on the life of or to any person in the United States. Such amount shall in no case exceed the amount of the reserve required to be maintained on such policy or annuity contract by such insurer. Such amount is designated as "policy loans in the United States."

(f) Such further information required by the commissioner, as he deems necessary to apply the provisions of this article.

CHAPTER 272

An act to amend Section 14806 of the Financial Code and to add Section 14804.2 to said code, relating to credit unions.

[Approved by Governor May 7, 1963. Filed with Secretary of State May 7, 1963.]

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

SECTION 1. Section 14806 of the Financial Code is amended to read:

14806. No credit union shall invest more than one-fifth of its paid-in and unimpaired capital and surplus in the investments and property authorized by Sections 14804, 14804.2, and 14805.

SEC. 2. Section 14804.2 is added to said code, to read:

14804.2. Every credit union may invest in the shares of stock of a corporation organized solely for the purpose of providing services to credit unions, providing such corporation is formed by an organization composed of credit unions described in Section 14805.5(a). Such investment shall not exceed in aggregate, 5 percent of its paid-in and unimpaired capital and surplus.

CHAPTER 273

An act to amend Section 5 of the Monterey Peninsula Airport District Act (Chapter 52 of the Statutes of 1941), relating to the Monterey Peninsula Airport District.

[Approved by Governor May 7, 1963. Filed with Secretary of State May 7, 1963.]

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

SECTION 1. Section 5 of the Monterey Peninsula Airport District Act (Chapter 52 of the Statutes of 1941) is amended to read:

Sec 5. General District Elections. A general district election shall be held therein on the second Tuesday in April in each even-numbered year. At each such election members of the board of directors equal in number to the members whose terms on said board are expiring thereat, and upon the qualification of their successors, shall be elected for a term of four years each and until each of their successors have been elected and have qualified for such office All such elections shall be noticed, held, the returns thereof canvassed and the results thereof declared, pursuant to the provisions of the general laws and Elections Code of the State of California governing elections in cities of the sixth class, so far as the same may be applicable, except as in this act otherwise provided. Division 12 (commencing with Section 22000) of the Elections Code shall

apply to such district elections insofar as the same may be relevant and appropriate; provided, however, that the powers and duties vested by said code provisions in the governing bodies and city clerks, respectively, of cities of the sixth class shall be vested in the board of directors and secretary thereof of said district.

At least 10 days prior to the date that candidates may be nominated for the office of director, the board shall publish in a newspaper of general circulation, which is circulated in the district, a notice stating the manner in which candidates may be nominated, the last date on which nominations for director will be accepted, and that, if not more than one person is nominated for each open office of director, directors will be appointed by the board of supervisors pursuant to this section.

If, on the 54th day prior to the day fixed for the district general election, only one person has been nominated for each office of the board of directors to be filled at that election, or no one has been nominated for such office, and if on the 44th day prior to the day fixed for the election, a petition signed by 5 percent of the qualified electors in the district, requesting that the district general election be held, has not been presented to the board of directors of the district, the board of directors shall by resolution entered in its minutes order that an election shall not be held and shall immediately request that the Board of Supervisors of the County of Monterey, at a regular or special meeting held prior to the day fixed for the election, appoint, and the board of supervisors shall thereupon appoint, to the office or offices the person or persons, if any, who have been nominated. If no person has been nominated for any office, the board of supervisors shall appoint any qualified person to the office prior to the date when the election would have been held. The person appointed shall qualify and take office and serve exactly as if elected at a district general election.

In such instances, notices shall be posted in three public places in the district at least 10 days before the date fixed for the election, which notices shall state that no election is to be held and that the board of supervisors will appoint or has appointed a person or persons to serve for the ensuing term on the board of directors.

CHAPTER 274

An act to amend Section 70 of the Antelope Valley-East Kern Water Agency Law (Sections 49 to 96, inclusive, Chapter 2146 of the Statutes of 1959), relating to the Antelope Valley-East Kern Water Agency.

[Approved by Governor May 7, 1963. Filed with Secretary of State May 7, 1963.]

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

SECTION 1. Section 70 of the Antelope Valley-East Kern Water Agency Law (Sections 49 to 96, inclusive, Chapter 2146 of the Statutes of 1959) is amended to read:

Sec. 70. Any portion of the Antelope Valley-East Kern Water Agency whether contiguous or not to an improvement district thereof may be annexed to said improvement district in the following manner. A petition, which may consist of any number of separate instruments, shall be filed with the secretary of the agency, signed by holders of title to sixty percent (60%) or more of the land in the portion proposed to be annexed, which land as so represented in said petition shall have an assessed valuation of not less than fifty percent (50%) of the land so proposed to be annexed. The petition shall contain the following: (a) a description of the area proposed to be annexed, which may be made by reference to a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the area proposed to be annexed, or in any other definite manner; (b) the terms and conditions upon which said proposed area may be annexed as theretofore determined by resolution adopted by the board of directors of the agency; and (c) a prayer that the board of directors declare such area to be annexed to the improvement district. Said petition shall be accompanied by a certified check payable to the order of the agency in sufficient sum to reimburse said agency for expenses of processing and publishing the petition and preparing and making the filings required by law.

Within 10 days of the date of the filing of such petition the secretary of the agency shall examine the same and ascertain whether or not such petition is signed by the required number of property owners; and, if requested by the secretary of the agency, the board of directors shall authorize him to employ persons especially for that purpose, in addition to the persons regularly employed in his office, and shall provide for their compensation. When the secretary of the agency has completed his examination of the petition, he shall attach to the same his certificate, properly dated, showing the result of such examination; and if from such examination he shall find that said petition is signed by the requisite number of property owners, or is not so signed, he shall certify that the same is sufficient, or insufficient, as the case may be.

If by the certificate of the secretary of the agency the petition is found to be insufficient, said petition may be amended by filing a supplemental petition or petitions within 10 days of the date of such certificate. The secretary of the agency shall within 10 days after the filing of such supplemental petition or petitions, make like examination of the same and certify to the result of such examination as hereinbefore provided.

If by the certificate of the secretary such petition, or petition as amended, is shown to be sufficient the secretary shall cause notice of hearing on the petition to be published and posted without delay.

The text of said petition shall be published pursuant to Section 6066 of the Government Code prior to the time at which the same is to be presented to the board of directors of the agency in at least one newspaper printed and published in the Antelope Valley-East Kern Water Agency, if there is a newspaper printed and published in such agency, together with a notice stating the time and place of the meeting at which the same will be presented. When contained upon one or more instruments one copy only of such petition need be published. No more than five of the names attached to said petition need appear in said publication of said petition and notice, but the number of signers shall be stated. Said notice and petition shall also be posted in three public places in the improvement district and three public places in the area proposed to be annexed, at least two weeks prior to the hearing.

The board of directors of the agency shall proceed to hear the petition at the time and place fixed therefor and any person residing within the municipal water district or improvement district or owning taxable property in said district or improvement district shall be entitled to appear and be heard at such hearing. Such hearing may be continued from time to time by the board of directors of the agency. At the conclusion of the hearing, and if the board of directors finds and determines from the evidence presented at said hearing that the area proposed to be annexed to an improvement district will be benefited thereby, and that the improvement district to which said area proposed to be annexed will also be benefited thereby and will not be injured thereby, then and in such case the board of directors of the agency may, by resolution, approve such annexation, describing the territory so annexed, which may be by reference to a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the annexed area, or in any other definite manner, and the terms and conditions of annexation as theretofore determined by resolution of the board of directors.

From and after the date of the adoption of such resolution the area named therein shall be deemed added to and shall form a part of said improvement district and the taxable property therein shall be subject to taxation thereafter for

the purposes of said improvement district, including the payment of the principal of and interest on bonds and other obligations of such improvement district at the time authorized and outstanding at the time of said annexation as if said annexed property had always been a part of said improvement district, and the board of directors of the Antelope Valley-East Kern Water Agency shall be empowered to do all things necessary to enforce and make effective the terms and conditions of annexation fixed as hereinabove authorized.

Any action or proceeding wherein the validity of any such annexation is contested, questioned or denied must be commenced within three months after the date of issuance by the Secretary of State of his certificate; otherwise said annexation shall be held to be valid and in every respect legal and incontestable.

CHAPTER 275

An act to maintain the Vehicle Code by amending Section 34011, and by repealing Section 11520 as amended by Chapter 1566 of the Statutes of 1961, relating to motor vehicles.

[Approved by Governor May 7, 1963. Filed with Secretary of State May 7, 1963.]

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

SECTION 1. Section 11520 of the Vehicle Code, as amended by Chapter 1566 of the Statutes of 1961, is repealed.

SEC. 2. Section 34011 of said code is amended to read:

34011. The State Fire Marshal shall, by regulation, establish a schedule of fees to be paid by an applicant for the inspection of a cargo tank and the issuance of a certificate of compliance. The fees shall be sufficient to cover the costs of the administration and enforcement of this division, but shall not exceed two dollars ($2) for any cargo tank having a volumetric capacity which does not exceed 1,500 gallons or ten dollars ($10) for any cargo tank which has a volumetric capacity which exceeds 1,500 gallons.

CHAPTER 276

An act to amend Sections 481 and 842 of the Probate Code, relating to administration of estates.

[Approved by Governor May 7, 1963. Filed with Secretary of State May 7, 1963.]

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

SECTION 1. Section 481 of the Probate Code is amended to read:

481. A corporation or association receiving an appointment under the previous section shall not be required to give any bond or security, but the provisions of Article 3 (commencing with Section 1540) of Chapter 12, Division 1 of, and Section 1587 of, the Financial Code shall govern with respect to its liability and the making of oaths and affidavits.

SEC. 2. Section 842 of said code is amended to read:

842. At the time appointed, the court shall hear the petition and any objection thereto that may have been presented, and shall entertain and consider any other offer made, in good faith, at the hearing, to lease the same property on more favorable terms; and, if the court is satisfied that it will be to the advantage of the estate, it shall make an order authorizing the executor or administrator to make such lease to the person and on the terms stated in the order; provided, however, that the court shall not make an order authorizing the executor or administrator to make such a lease to any person other than the lessee named in the petition, unless the offer made at the hearing is acceptable to the executor or administrator. The order shall set forth the minimum rental or royalty and the period of the lease which must not be longer than 10 years, except as otherwise herein provided with respect to a lease for the purpose of production of minerals, oil, gas or other hydrocarbon substances. The order may authorize other terms and conditions, including, with respect to a lease for the purpose of production of minerals, oil, gas or other hydrocarbon substances, a provision for the payment of rental and royalty to a depositary, and for the appointment of a common agent to represent the interest of all the lessors, and, if the lease is for the purpose of production of oil, gas or other hydrocarbon substances, including a provision for the payment of a compensatory royalty in lieu of rental and in lieu of drilling and producing operations on the land covered by the lease, including provisions for pooling or unitization by the lessee, and including a provision empowering the lessee to enter into any agreement authorized by Section 3301 of the Public Resources Code with respect to land covered by the lease. If the lease covers additional property owned by other persons or an undivided interest of the decedent, or other interest of the decedent less than the entire ownership in the property, it may provide for division of rental and royalty in the proportion that the land or interest of each owner bears to the total area of the land or total interests covered by such lease. A lease for the purpose of production of minerals, oil, gas or other hydrocarbon substances may be for a fixed period, and so long thereafter as minerals, oil, gas or other hydrocarbon substances are produced in paying quantities from the property leased or mining or drilling operations are conducted thereon and, if the lease provides for the payment of a compensatory royalty, so long as such compensatory royalty is paid, and, if the land covered by the lease

is included in an agreement authorized by Section 3301 of the Public Resources Code, so long as oil, gas or other hydrocarbon substances are produced in paying quantities from any of the lands included in any such agreement or drilling operations are conducted thereon. A certified copy of the order shall be recorded in the office of the recorder of every county in which the leased land or any portion thereof lies.

CHAPTER 277

An act to maintain the Military and Veterans Code by amending Sections 986, 986.1, 986.2, 986.10 and 987.01, and by repealing Section 698, relating to military and veterans' affairs.

[Approved by Governor May 7, 1963. Filed with Secretary of State May 7, 1963.]

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

SECTION 1. Section 698 of the Military and Veterans Code is repealed.

SEC. 2. Section 986 of said code is amended to read:

986. The department shall prescribe and determine the qualifications of all veterans. Any person deeming himself a veteran and desiring to benefit hereunder, shall submit to the department information, in such form as the department prescribes, which will enable the department to determine his eligibility and qualifications. The department may make further inquiries and investigations in order to determine such eligibility and qualifications. Veterans who are otherwise qualified and who were wounded or disabled as a result of their service shall be given preference in the benefits conferred by this article. The department shall determine, in each case, whether or not the veteran was wounded or disabled as a result of service.

SEC. 3. Section 986.1 of said code is amended to read:

986.1. If a veteran dies after filing his application for a farm or a home, and his application setting forth his eligibility and qualifications is subsequently approved, his widow may, in the discretion of the department, succeed to his rights under the application, and may be entitled to the rights, privileges, and benefits under this article that would have been his, but for his death. The contract of purchase which the department otherwise would have made with such veteran may be made with his widow.

SEC. 4. Section 986.2 of said code is amended to read:

986.2. When a veteran has been authorized by the department to select a farm or home, he shall submit his selection in such form as the department prescribes.

SEC. 5. Section 986.10 of said code is amended to read:

986.10. For the purposes of this article any veteran who is under the age of 21 shall be deemed to be of the age of majority and to be an adult person for the purpose of entering into any contract for the purchase of a farm or home from the department or any other contract with respect to such property.

SEC. 6. Section 987.01 of said code is amended to read:

987.01. The provisions of Section 987, relative to the rate of interest to be charged to veteran purchasers do not apply to assignees of such purchasers who are not veterans, but as to such assignees the rate of interest shall be as fixed by the department, compounded at periods fixed by the department.

The action of the department in refusing to permit any assignments except as provided in this section is hereby ratified and confirmed, it having at all times been the intent of the Legislature that Section 987 apply to veteran purchasers only.

CHAPTER 278

An act to maintain the Health and Safety Code by amending Sections 3300.1, 3355, 4704, 9302, 12713, 14011, 14405, 14603, 18897, 24368.4, and 26472, by amending and renumbering the second Section 33070 added by Chapter 2116 of the 1961 Statutes, and by repealing Article 15 (commencing with Section 24376.40) of former Chapter 2.6, Division 20, relating to health and safety.

[Approved by Governor May 7, 1963. Filed with Secretary of State May 7, 1963.]

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

SECTION 1. Section 3300.1 of the Health and Safety Code is amended to read:

3300.1. A city or county receiving contributions from or on behalf of any person for whom subsidy has been or is claimed under Section 3300 shall use the total amount of all such contributions as an offset from any state subventions for this purpose in the following manner:

The total number of patient-days for which subsidy is paid by the State in each fiscal year shall be reduced by the number resulting from division of the total amount of contributions received from or on behalf of tuberculosis patients during each fiscal year, by the per diem cost; such per diem cost to be determined in accordance with Section 1473; or by the contract cost with another public agency or private hospital. This method shall apply to the total of all contributions received by cities or counties on and after July 1, 1961.

SEC. 2. Section 3355 of said code is amended to read:

3355. The district attorney of the county in which a violation of Sections 3285 and 3351 may be committed, shall prosecute all such violations and, upon the request of a health officer, shall prosecute, as provided in Section 3351, violations of any isolation or examination order of a health officer made and served as provided in Section 3285 or Section 3002.

SEC. 3. Section 4704 of said code is amended to read:

4704. Districts formed or proposed to be formed under this chapter are not subject to the "District Investigation Act of 1933" (commencing with Section 58500 of the Government Code.).

SEC. 4. Section 9302 of said code is amended to read:

9302. The proceeding shall be commenced by the filing of a verified petition with the clerk of the superior court.

The petition shall identify the plot which the cemetery district desires to have declared abandoned; state that the plot has not been used for the interment of human remains, that the present owner of the plot is unknown to the cemetery district, and that a period of at least 50 years has passed since any portion of the plot was used for interment purposes; and request that the court declare the plot abandoned.

SEC. 5. Section 12713 of said code is amended to read:

12713. The State Fire Marshal, and his deputies or salaried assistants, the chief of any city or county fire department or fire protection district, or any of their authorized representatives may remove any vehicle which is used unlawfully to transport fireworks or in which any fireworks are unlawfully kept, deposited or concealed, to the nearest garage or other place of safety or to a garage designated or maintained by the State Fire Marshal.

In the event that the State Fire Marshal, or any of his deputies or salaried assistants, the chief of any city or county fire department or fire protection district, or any of their authorized representatives, removes any such vehicle, he shall give the notices required of officers under Article 3 (commencing with Section 22850), Chapter 10, Division 11 of the Vehicle Code, and the keeper of any garage in which any such vehicle is stored may have a lien thereon for his compensation for towage and for caring for and keeping safe such vehicle and may satisfy such lien upon compliance with and under the conditions stated in Article 3 (commencing with Section 22850), Chapter 10, Division 11 of the Vehicle Code.

SEC. 6. Section 14011 of said code is amended to read:

14011. Districts formed or proposed to be formed under this chapter are not subject to any provisions of the "District Investigation Act of 1933" (commencing with Section 58500 of the Government Code).

SEC. 7. Section 14405 of said code is amended to read:

14405. A district formed or proposed to be formed under this chapter is not subject to any provisions of the "District

Investigation Act of 1933" (commencing with Section 58500 of the Government Code).

SEC. 8. Section 14603 of said code is amended to read:

14603. A district formed or proposed to be formed under this chapter is not subject to any provisions of the "District Investigation Act of 1933" (commencing with Section 58500 of the Government Code).

SEC. 9. Section 18897 of said code is amended to read:

18897. "Organized camp" means a site with program and facilities established for the primary purposes of providing an outdoor group living experience with social, spiritual, educational, or recreational objectives, for five days or more during one or more seasons of the year. The term "organized camp" does not include a motel, tourist camp, trailer park, resort, hunting camp, auto court, labor camp, penal or correctional camp nor does it include a child care institution or home-finding agency. The term "organized camp" also does not include any charitable or recreational organization which complies with the rules and regulations for recreational trailer parks provided for by subdivision (c) of Section 18013.

SEC. 10. Section 24368.4 of said code is amended to read:

24368.4. Judicial review may be had by filing a petition for a writ of mandate in accordance with the provisions of the Code of Civil Procedure. Except as otherwise provided in this section, any such petition shall be filed within 30 days after the last day on which reconsideration can be ordered. The right to petition shall not be affected by the failure to seek reconsideration before the hearing board. The complete record of the proceedings, or such parts thereof as are designated by the petitioner, shall be prepared by the hearing board and shall be delivered to the petitioner within 30 days after a request therefor by him, upon payment of the fee specified in Section 69950 of the Government Code, as now or hereinafter amended, for the transcript, the cost of preparation of other portions of the record, and for certification thereof. The complete record includes the pleadings, all notices and orders issued by the hearing board, any proposed decision by the hearing board, the final decision, a transcript of all proceedings, the exhibits admitted or rejected, the written evidence and any other papers in the case. Where petitioner, within 10 days after the last day on which reconsideration can be ordered, requests the hearing board to prepare all or any part of the record, the time within which a petition may be filed shall be extended until five days after its delivery to him. The hearing board may file with the court the original of any document in the record in lieu of a copy thereof.

SEC. 11. Section 26472 is amended to read:

26472. A food shall be deemed to be adulterated:

(a) (1) If any valuable constituent has been in whole or in part omitted or abstracted therefrom; or

(2) If any substance has been substituted wholly or in part therefor; or

(3) If damage or inferiority has been concealed in any manner; or

(4) If any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight or reduce its quality or strength or make it appear better or of greater value than it is.

(b) If it is confectionery and it bears or contains any alcohol or nonnutritive article or substance except harmless coloring, harmless flavoring, harmless resinous glaze not in excess of four-tenths of 1 per centum, harmless natural gum and pectin. This subsection shall not apply to any confectionery by reason of its containing less than one-half of 1 per centum by volume of alcohol derived solely from the use of flavoring extracts, or to any chewing gum by reason of its containing harmless nonnutritive masticatory substances.

(c) If it bears or contains a color additive other than one listed or certified by the United States Department of Health, Education, and Welfare, Food and Drug Administration.

(d) If any mineral oil has been added thereto or mixed or packed therewith contrary to the provisions of this chapter.

(e) If it be fresh meat and it contains any chemical substance containing sulphites, sulphur dioxide, benzoic acid, salts of benzoic acid or any other chemical preservative, or any substance which is not approved for use in fresh meat by the United States Department of Agriculture, Agricultural Research Service, or the Division of Animal Industry of the California State Department of Agriculture, or the California State Board of Public Health.

(f) If it be chopped or ground beef, or hamburger containing any substance other than the voluntary striated muscle of fresh beef, except those substances approved by the State Department of Public Health, or if the total fat content (determined by ether extract method of analysis) of chopped or ground beef, or hamburger is in excess of 30 percent.

Nothing in this subdivision shall be deemed to prohibit the use of monosodium glutamate in such chopped or ground beef and hamburger.

(g) Notwithstanding the provisions of Section 26461, nothing in this article shall be deemed to prohibit the use of common salt, sugar (cane or beet), maple sugar, dextrose, invert sugar, honey, corn syrup solids, corn syrup and glucose syrup, wood smoke, a vinegar, pure spices, spice oils, flavorings, saltpeter, nitrate of soda, nitrite of soda and potassium nitrite in meat food products such as sausage, corned, brined or pickled meats, hams, bacon and the like. No such substances shall increase the green or original weight by more than 10 percent of products which are not smoked or cooked, with the exception of fresh uncured beef brisket in which case the finished cured product may exceed the weight of the fresh uncured brisket by 20 percent, nor shall any such substance increase the green or original weight by more than 1 percent

of the green or original weight of products which are cooked or smoked. In the case of meat food products such as sausage, 10 percent added water shall be permitted and allowed in smoked or cooked products of such nature and 3 percent in said products which are not cooked or smoked.

(h) If it be alimentary paste and contains any artificial color derived from coal tar or vegetable substances.

(i) If it contains any saccharine or other nonnutritive sweetening agent contrary to the provisions of this chapter.

(j) If it be pork sausage or breakfast sausage and the total fat content (determined by the ether extract method of analysis) is in excess of 50 percent.

SEC. 12. The second Section 33070 of said code added by Chapter 2116 of the 1961 Statutes is amended and renumbered to read:

33070.5. A redevelopment agency may, in order to facilitate the rehousing of families and single persons who are displaced from their homes in a project area, utilize the aids made available through federal urban renewal, redevelopment and housing legislation and may use funds derived from any public or private source to carry out the purposes of this section.

SEC. 13. Article 15 (commencing with Section 24376.40) of former Chapter 2.6, Division 20, of said code is repealed.

CHAPTER 279

An act to amend Section 36.17 of the San Luis Obispo County Flood Control and Water Conservation District Act (Chapter 1294 of the Statutes of 1945), relating to revenue bonds.

[Approved by Governor May 7, 1963. Filed with Secretary of State May 7, 1963.]

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

SECTION 1. Section 36.17 of the San Luis Obispo County Flood Control and Water Conservation District Act (Chapter 1294 of the Statutes of 1945) is amended to read:

Sec. 36.17. Notwithstanding any other provision of this act, the district may authorize, issue and sell revenue bonds pursuant to the provisions of Chapter 6 (commencing at Section 54300), Part 1, Division 2, Title 5 of the Government Code to provide funds for the acquisition, construction, improving, or financing any one or more revenue-producing enterprises for any one or more of the purposes for which the district has been formed. "Enterprise" as used in this section means a revenue-producing system, plant, works, or undertaking used for or useful in carrying out any one or more of the purposes of the district. In connection with the

authorization, issue and sale of revenue bonds pursuant to this section and so long as any of these bonds remain outstanding, the district may exercise, in addition to the powers covered by this section, any or all of the powers of local agencies provided for in said Chapter 6 (commencing at Section 54300), Part 1, Division 2, Title 5 of the Government Code.

CHAPTER 280

An act to amend Sections 6860 and 6938 of the Harbors and Navigation Code, relating to river port districts.

[Approved by Governor May 7, 1963. Filed with Secretary of State May 7, 1963.]

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

SECTION 1. Section 6860 of the Harbors and Navigation Code is amended to read:

6860. The powers of a district established pursuant to this part shall be exercised by the board, by ordinance or resolution passed by a majority vote of the board.

All ordinances shall be published in a newspaper of general circulation, printed or published in one of the counties in which the district is situated, at least five days before final passage.

All franchises and leases for a period of more than 10 years, to be valid, shall be authorized by ordinance.

SEC. 2. Section 6938 of said code is amended to read:

6938. The secretary shall publish said ordinance once in a newspaper of general circulation printed in said district, and if there is none, then in such newspaper published in one of the counties in which said district is located.

CHAPTER 281

An act to add Section 989 to the Streets and Highways Code, relating to county highways.

[Approved by Governor May 7, 1963. Filed with Secretary of State May 7, 1963.]

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

SECTION 1. Section 989 is added to the Streets and Highways Code, to read:

989. Except as otherwise specifically provided in this code, upon the annexation of territory to a city, all right, title and interest of the county, including the underlying fee where owned by the county, in and to any county highway within

such territory, shall vest in the city and shall thereupon constitute a city street. All right, title and interest of a county in and to any county highway included within territory heretofore annexed to a city is hereby determined to have vested in such city as a city street. For the purpose of this section, "county highway" shall have the meaning ascribed to that term by Section 960.5.

CHAPTER 282

An act to maintain the Government Code by amending Sections 12410, 20981, 23007, 23011, 29601, 31676.1, 43068, 69594, 70063, and 74504, amending and renumbering Sections 13409, as enacted by Chapter 2187 of the Statutes of 1961, 37395, as enacted by Chapter 1475 of the Statutes of 1957, 54908, as enacted by Chapter 1441 of the Statutes of 1961, and the heading of Article 5 (commencing with Section 75100) of Chapter 11 of Title 8, and repealing Sections 9134 and 9135, thereof, relating to the government of public agencies within this State.

[Approved by Governor May 7, 1963. Filed with Secretary of State May 7, 1963.]

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

SECTION 1. Section 12410 of the Government Code is amended to read:

12410. The Controller shall superintend the fiscal concerns of the State. The Controller shall audit all claims against the State, and may audit the disbursement of any state money, for correctness, legality, and for sufficient provisions of law for payment. Whenever, in his opinion, the audit provided for by Article 1 (commencing with Section 600), Chapter 1, Division 3.5 of Title 1 of this code is not adequate, the Controller may make such field or other audit of any claim or disbursement of state money as may be appropriate to such determination.

SEC. 2. Section 20981 of said code is amended to read:

20981. Every state miscellaneous member shall be retired on the first day of the calendar month next succeeding that in which he attains age 70, except as follows:

(a) Any member who is employed in a teaching capacity on a semester or school-year basis may elect to continue in active service until the end of the semester or school year during which he attains age 70.

(b) Any member who is a state college president may elect to continue in active service until the end of the quarter, semester, or academic year during which he attains age 70.

(c) Any member who is an academic teaching and administrative employee, as defined in this section, may elect to continue in active service until the end of the quarter, semester, or

academic year during which he attains age 70 Academic teaching and administrative employee means a state college employee of the rank of professor or lower, department heads and division heads whose principal duty is teaching at the state college and an employee whose principal duty is connected with the administration of the teaching program or related service, and includes, but is not limited to deans, business managers, admission officer, registrar, placement officer and professional librarians.

SEC. 3. Section 23007 of said code is amended to read:

23007. Except as specified in this chapter, a county shall not, in any manner, give or loan its credit to or in aid of any person or corporation. An indebtedness or liability incurred contrary to this chapter is void.

SEC. 4. Section 23011 of said code is amended to read:

23011. The name of a county designated in this chapter is its corporate name, and it shall be designated thereby in any action or proceeding touching its corporate rights, property, and duties.

SEC. 5. Section 29601 of said code is amended to read:

29601. The following expenses of the district attorney and the sheriff are county charges:

(a) Traveling and other personal expenses incurred in criminal cases arising in the county and in civil actions and proceedings in which the county is interested.

(b) All other expenses necessarily incurred by either of them:

(1) In the detection of crime. Except as to violations of Section 23102 of the Vehicle Code, the provisions of this section do not apply to the detection of those crimes declared to be misdemeanors by the Vehicle Code.

(2) In the prosecution of criminal cases, and in civil actions and proceedings and all other matters in which the county is interested, or in which any officer or employee, or former officer or employee, of the county is a defendant in an action for damages instituted for any act performed by him in good faith in furtherance of his duty while in the employ of the county and in which the district attorney is authorized to represent him.

SEC. 6. Section 31676.1 of said code is amended to read:

31676.1. This section shall apply in any county having a population in excess of 295,000 as of the 91st day following the adjournment of the 1953 session of the Legislature. This section may be made applicable in any other county on the first day of the month after the board of supervisors of such county adopts, by majority vote, a resolution providing that this section shall become applicable in such county. Notwithstanding any other provisions of this chapter the current service pension or the current service pension combined with the prior service pension is an additional pension for members purchased by the contributions of the county or district suffi-

cient, when added to the service retirement annuity, to equal the fraction of one-sixtieth of his final compensation set forth opposite his age at retirement, taken to the preceding completed quarter year, in the following table in the column applicable to his sex, multiplied by the number of years of current service or years of current and prior service with which he is entitled to be credited at retirement, but in no event shall the total retirement allowance exceed seventy-five percent (75%) of the member's final compensation.

Age of retirement	Fraction	
	Men	Women
50	.6852	.7091
50¼	.6945	.7183
50½	.7037	.7274
50¾	.7130	.7366
51	.7222	.7457
51¼	.7314	.7547
51½	.7406	.7637
51¾	.7498	.7726
52	.7590	.7816
52¼	.7684	.7907
52½	.7779	.7999
52¾	.7873	.8090
53	.7967	.8181
53¼	.8065	.8275
53½	.8164	.8369
53¾	.8262	.8462
54	.8360	.8556
54¼	.8465	.8656
54½	.8570	.8755
54¾	.8674	.8855
55	.8779	.8954
55¼	.8893	.9061
55½	.9006	.9168
55¾	.9119	.9275
56	.9232	.9382
56¼	.9355	.9498
56½	.9478	.9614
56¾	.9602	.9730
57	.9725	.9846
57¼	.9860	.9972
57½	.9994	1.0098
57¾	1.0129	1.0224
58	1.0264	1.0350
58¼	1.0411	1.0487
58½	1.0559	1.0625
58¾	1.0706	1.0762
59	1.0853	1.0899
59¼	1.1015	1.1049
59½	1.1176	1.1199
59¾	1.1338	1.1349

Age of retirement	Fraction Men	Women
60	1.1500	1.1500
60¼	1.1610	1.1611
60½	1.1721	1.1723
60¾	1.1832	1.1835
61	1.1943	1.1947
61¼	1.2091	1.2097
61½	1.2239	1.2247
61¾	1.2387	1.2398
62	1.2535	1.2548
62¼	1.2691	1.2707
62½	1.2848	1.2867
62¾	1.3004	1.3026
63	1.3160	1.3186
63¼	1.3326	1.3355
63½	1.3491	1.3525
63¾	1.3657	1.3695
64	1.3822	1.3865
64¼	1.3998	1.4047
64½	1.4173	1.4229
64¾	1.4349	1.4411
65 and over	1.4525	1.4593

The fractions herein set forth shall be used until adjusted by each board for its retirement system in accordance with the interest and mortality tables adopted by each such board with respect to its retirement system. Contributions shall not be made by members having credit for 30 years of continuous service.

In any county operating under this section any limitation in any provisions of this chapter upon the amount of compensation used for computing rates of contributions shall be disregarded.

SEC. 7. Section 43068 of said code is amended to read:

43068. Unless a majority of the city electors voting at an election held for that purpose are in favor of it, the annual property tax shall not exceed one dollar ($1) on each one hundred dollars ($100), exclusive of such tax as may be necessary to pay the costs of any pension plan for city employees adopted pursuant to Article 2, Chapter 2, of Division 5, exclusive of such tax, not to exceed five cents ($0.05) on each one hundred dollars ($100), as may be necessary to pay the costs of civil defense or disaster preparedness, exclusive of such tax as may be necessary to pay the costs of sewerage facilities, exclusive of such tax as may be necessary to pay the costs of park and recreation facilities and exclusive of such tax in addition to the annual tax levy for other municipal purposes authorized by Sections 20532, 37465, 37558, and 43069 of this code, Section 5304 of the Public Resources Code and Section 27401 of the Education Code.

SEC. 8. Section 69594 of said code is amended to read:

69594. In the County of San Bernardino there shall be seven judges of the superior court. On and after July 1, 1962, there shall be eight judges.

SEC. 9. Section 70063 of said code is amended to read:

70063. In any county having a population of 50,000 and not over 55,000, as determined by the 1960 Federal Census, the official phonographic reporters shall perform the following duties:

(1) Report all proceedings before the superior court;

(2) Report the proceedings of the grand jury;

(3) Act as the secretary of, and render stenographic and clerical assistance to, the judge of the department to which they are assigned by the presiding judge.

The official phonographic reporters of such county shall be paid for their services at a monthly salary rate established according to the following salary schedule:

Step A	Step B	Step C	Step D	Step E
$715	$755	$797	$842	$889

Except as otherwise provided herein, a person appointed as a regular official phonographic reporter shall receive for his first six months of service a monthly salary at the rate specified in step A. Upon the first day of the month following six months continuous service, such person shall receive a monthly salary at the rate specified in step B On or after the first day of the month following each ensuing 12 months of continuous service the salary of such person shall be increased to the rate specified in the next higher step of the salary schedule until his salary equals the sum specified in step E of the schedule. All other regular official phonographic reporters shall receive monthly salaries under the schedule according to the length of their service.

The fee required by Section 70053 shall be five dollars ($5).

SEC. 10. Section 74504 of said code is amended to read:

74504. The clerk shall also appoint: (a) Five deputy clerks who shall be assistant chief division clerks and who shall be paid a minimum salary of seven hundred fifty-five dollars ($755) monthly during the first year of service, a salary of seven hundred ninety-seven dollars ($797) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of eight hundred forty-two dollars ($842) monthly after the second year of service commencing on the first day of the month following the second anniversary of his appointment.

(b) Twenty-two deputy clerks who shall be paid a minimum salary of six hundred forty-one dollars ($641) monthly during the first year of service, a salary of six hundred seventy-seven dollars ($677) monthly after the first year of service,

commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of seven hundred fifteen dollars ($715) monthly after the second year of service commencing on the first day of the month following the second anniversary of his appointment.

(c) Fifteen deputy clerks who shall be paid a minimum salary of five hundred seventy dollars ($570) monthly during the first year of service, a salary of five hundred ninety dollars ($590) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment and a maximum salary of six hundred ten dollars ($610) monthly, after the second year of service, commencing on the first day of the month following the second anniversary of his appointment.

(d) Sixteen deputy clerks who shall be paid a minimum salary of five hundred twenty dollars ($520) monthly during the first year of service, a salary of five hundred thirty-five dollars ($535) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of five hundred fifty dollars ($550) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment. While assigned as administrative secretary to the clerk of the municipal court any deputy in Section 74504(d) shall be paid in addition to the salary provided by this article, the additional sum of fifty dollars ($50) monthly.

(e) Nineteen deputy clerks who shall be paid a minimum salary of four hundred eighty dollars ($480) monthly during the first year of service, a salary of four hundred ninety-five dollars ($495) monthly after the first year of service commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of five hundred ten dollars ($510) monthly after the second year of service commencing on the first day of the month following the second anniversary of his appointment.

(f) Eighteen deputy clerks who shall be paid a minimum salary of four hundred forty dollars ($440) monthly during the first year of service, a salary of four hundred fifty-five dollars ($455) monthly after the first year of service commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of four hundred seventy dollars ($470) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment.

(g) Fifteen deputy clerks who shall be paid a minimum salary of four hundred dollars ($400) monthly during the first year of service, a salary of four hundred fifteen dollars ($415) monthly after the first year of service commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of four hundred thirty

dollars ($430) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment.

(h) Two information clerks who shall be paid a minimum salary of four hundred ten dollars ($410) monthly during the first year of service, a salary of four hundred thirty-five dollars ($435) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of four hundred sixty dollars ($460) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment.

SEC. 11. Section 13409 of said code, as enacted by Chapter 2187 of the Statutes of 1961, is amended and renumbered to read:

13397. The director may make the services of the department under this article available, upon such terms and conditions as he may deem satisfactory, to any tax-supported public agency in the State, including a school district, for assisting the agency in the purchase or lease of television communications equipment.

SEC. 12. Section 37395 of said code, as enacted by Chapter 1475 of the Statutes of 1957, is amended and renumbered to read:

37396. A city, county or city and county may lease property owned, held or controlled by it for not to exceed 99 years, for stadium, park, recreational, fair, exposition or exhibition purposes.

A lease made by a county pursuant to this section is subject to the provisions of Article 8 (commencing at Section 25520), Chapter 5, Part 2, Division 2, Title 3 of this code.

SEC. 13. Section 54908 of said code, as enacted by Chapter 1441 of the 1961 Statutes, is amended and renumbered to read:

54909. Notwithstanding Sections 54902 and 54903, any water district organized in 1960 pursuant to the "County Water District Law" (Division 12 (commencing with Section 30000) of the Water Code) may file the statement and map or plat required by Section 54900 on or before May 1, 1961.

SEC. 14. The heading of Article 5 (commencing with Section 75100) of Chapter 11 of Title 8 of said code is amended and renumbered to read:

Article 6. Judges' Retirement Fund

SEC. 15. Section 9134 of said code is repealed.

SEC 16. Section 9135 of said code is repealed.

CHAPTER 283

An act to repeal Sections 54902.5, 54905. 54906, 54907, 54908 as added by Chapter 268 of the Statutes of 1961, 54908 as added by Chapter 1441 of the Statutes of 1961, 54909, 54910, and 54913 of the Government Code, relating to the filing of statements, maps and plats for assessment and tax purposes.

[Approved by Governor May 7, 1963. Filed with Secretary of State May 7, 1963.]

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

SECTION 1. Section 54902.5 of the Government Code is repealed.

SEC. 2. Section 54905 of said code is repealed.

SEC. 3. Section 54906 of said code is repealed.

SEC. 4. Section 54907 of said code is repealed.

SEC. 5. Section 54908, as added by Chapter 268 of the Statutes of 1961, of said code is repealed.

SEC. 6. Section 54908, as added by Chapter 1441 of the Statutes of 1961, of said code is repealed.

SEC. 7. Section 54909 of said code is repealed.

SEC. 8. Section 54910 of said code is repealed.

SEC. 9. Section 54913 of said code is repealed.

SEC. 10. The repeal of Sections 54902.5, 54905, 54906, 54907, 54908 as added by Chapter 268 of the Statutes of 1961, 54908 as added by Chapter 1441 of the Statutes of 1961, 54909, 54910 and 54913 of the Government Code shall not operate to invalidate any assessment or tax described in those sections, or any act, proceeding or other matter taken with respect thereto.

CHAPTER 284

An act to add Section 8408.5 to the Elections Code, relating to county central committees.

[A.B. 209 having remained with the Governor 10 days (Sundays excepted), and the Legislature being in session, it became law without his signature. (See Section 9516, Government Code.) Filed with Secretary of State May 7, 1963.]

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

SECTION 1. Section 8408.5 is added to the Elections Code, to read:

8408.5. If the county clerk, on the 59th day prior to the direct primary election, finds that the number of candidates nominated for election to a county central committee from an assembly or supervisorial district does not exceed the number of candidates to be elected from that assembly or supervisorial

district, the designation of the office and the names of the candidates shall not be printed on that party's ballot in the assembly or supervisorial district, unless there is filed with the county clerk, not less than 20 days after the final date for filing nomination papers for the positions, a petition indicating that a write-in campaign will be conducted for the office and signed by 25 registered voters affiliated with the political party involved. In lieu thereof, the board of supervisors shall declare elected the candidates who have been nominated, and those candidates shall be entitled to receive certificates of election in the same manner as other candidates elected to a county central committee.

CHAPTER 285

An act to amend Section 10801 of the Education Code, relating to interdistrict school attendance.

[Approved by Governor May 8, 1963. Filed with Secretary of State May 8, 1963]

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

SECTION 1. Section 10801 of the Education Code is amended to read:

10801. The governing board of any school district may admit to the schools or classes maintained in the district any pupil who lives in another school district which maintains schools or classes of the grade levels which the pupil desires to attend. An agreement providing for such attendance shall be entered into between the governing board and the governing board of the district in which the pupil lives. The agreement shall stipulate the terms upon which the interdistrict attendance shall be permitted. The terms of the agreement may require the payment of actual cost of education of the pupil, determined in the manner provided by Section 10805, or any lesser amount per pupil, as determined by the governing boards in their discretion, but in any event the agreement shall direct the governing board of the district in which the pupil lives to release or otherwise transfer all state and federal apportionments earned by such attendance to the governing board of the district in which the pupil attends.

CHAPTER 286

An act to amend Section 2786.5 of the Business and Professions Code, relating to the practice of nursing.

[Approved by Governor May 8, 1963. Filed with Secretary of State May 8, 1963.]

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

SECTION 1. Section 2786.5 of the Business and Professions Code is amended to read:

2786.5. In addition to the provisions of Section 2786, the board may accredit a school of nursing which has been approved by the board and which gives a course of instruction prescribed by the board, covering not less than two years. Any course of instruction prescribed by the board pursuant to this section shall provide a quality of education not less than the current standards established and adopted for a basic two years' course of professional nursing education by both the National League for Nursing and the American Association of Junior Colleges.

CHAPTER 287

An act to amend Section 13521 of, and to add Section 13521.1 to, the Education Code, relating to school districts.

[Approved by Governor May 8, 1963. Filed with Secretary of State May 8, 1963.]

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

SECTION 1. Section 13521 of the Education Code is amended to read:

13521. Each salary payment for any calendar month shall be paid not later than the fifth day of the succeeding calendar month except that teachers employed for less than full time in classes for adults, in a day or evening high school, in a day or evening junior college, or in a special day or evening class maintained in connection with an elementary school may be paid on or before the 10th day of the succeeding calendar month.

SEC. 2. Section 13521.1 is added to said code, to read:

13521.1. When any school district employs a certificated employee to perform teaching or other services in addition to his regular teaching duties, or when a school district employs a certificated employee to perform teaching or other services at a summer school maintained by the district, the district shall pay the employee for such services either in one lump sum or at an hourly, daily, biweekly, quadriweekly, or monthly rate of pay. If the pay is in one lump sum, the dis-

trict shall pay the employee within 10 days after the termination of the services. If the pay is at an hourly, daily, biweekly, quadriweekly or monthly rate, the district shall pay the employee within 10 days after the end of each calendar month or pay period during which the services are performed.

CHAPTER 288

An act to amend Section 8410 of, and to add Section 8475 to, the Elections Code, relating to county central committees.

[Approved by Governor May 8, 1963. Filed with Secretary of State May 8, 1963.]

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

SECTION 1. Section 8410 of the Elections Code is amended to read:

8410. Each member of a county central committee, whether elected to the committee or appointed to fill a vacancy, before he enters upon the duties of his office, shall take and subscribe the oath or affirmation set forth in Section 3 of Article XX of the Constitution.

The oath or affirmation required by this section may be taken before any officer authorized to administer oaths and no fee shall be charged by any person before whom the oath is taken or subscribed.

SEC. 2. Section 8475 is added to said code, to read:

8475. Whenever any person is appointed to fill a vacancy on a county central committee, the chairman of the committee shall file a notice of the appointment with the county clerk within 30 days after it is made. The notice shall contain the name and address of the person appointed and the name of the person replaced, and shall indicate the date of the appointment.

CHAPTER 289

An act to add Section 1610.5 to, to amend Sections 1600, 1605, 1610, 1611, 1615, 1616 and 1618 of, and to amend the title of Article 4 (commencing with Section 1615) of Chapter 9, Part 2, Division 2 of, the Water Code, relating to the State Water Rights Board licensing procedure.

[Approved by Governor May 8, 1963. Filed with Secretary of State May 8, 1963.]

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

SECTION 1. Section 1600 of the Water Code is amended to read:

1600. Immediately upon completion of the construction of works and application of the water to beneficial use the permittee shall report the completion to the board.

SEC. 2. Section 1605 of said code is amended to read:

1605. The board shall as soon as practicable after receiving the report of completion cause to be made a full inspection and examination of the works constructed and the use of water therefrom. The permittee shall furnish the board with such records, data, and information as may be required to enable the board to determine the amount of water that has been applied to beneficial use and whether the construction of the works and the use of the water therefrom is in conformity with law, the rules and regulations of the board, and the permit.

SEC. 3. Section 1610 of said code is amended to read:

1610. If the determination of the board as to completion is favorable to the permittee, the board shall issue a license which confirms the right to the appropriation of such an amount of water as has been determined to have been applied to beneficial use.

SEC. 4. Section 1610.5 is added to said code, to read:

1610.5. Before issuing a license for an amount of water or season of use less than that specified in the permit, the board shall either obtain the consent of the permittee or afford him an opportunity to (a) show cause why the amount or season of use should not be reduced or, (b) request an extension of time pursuant to Section 1398.

SEC. 5. Section 1611 of said code is amended to read:

1611. If the board determines that the construction and condition of the works or the use of water therefrom are not in conformity with the law, the rules and regulations of the board, or the terms of the permit, it may revoke the permit in the manner provided in Article 5 (commencing with Section 1410) of Chapter 6 of this part. The board may in its discretion allow a reasonable time for the permittee to correct discrepancies in the works or use of water before taking action to revoke the permit.

SEC. 6. The title of Article 4 (commencing with Section 1615) of Chapter 9, Part 2, Division 2, of said code is amended to read:

Article 4. Review by Court

SEC. 7. Section 1615 of said code is amended to read:

1615. The holder of any permit to whom the board has issued a license for an amount of water or a season of use less than specified in the permit, may, within 30 days after such issuance, file a petition for a writ of mandate in the superior court, to inquire into the validity of the order of the board.

SEC. 8. Section 1616 of said code is amended to read:

1616. Unless the petition for a writ of mandate is filed within the time specified all rights of the holder of the permit except as specified in the license shall lapse and cease.

SEC. 9. Section 1618 of said code is amended to read:

1618. Until the order of the board is set aside or modified by the court, the permittee shall take or use water only as specified in the license.

CHAPTER 290

An act to amend Sections 911.2, 912, 913, 914, 915, 915.5, 916, 916.5, and 919 of the Agricultural Code, relating to agricultural and vegetable seeds.

[Approved by Governor May 8, 1963. Filed with Secretary of State May 8, 1963.]

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

SECTION 1. Section 911.2 of the Agricultural Code is amended to read:

911.2. "Weed seeds," as used in this article, means any and all noxious weed seeds, and any and all seeds not included in the definitions of agricultural or vegetable seeds, when occurring incidentally in agricultural or vegetable seed.

SEC. 2. Section 912 of said code is amended to read:

912. Each container of agricultural seed which is for sale or sold within this State for sowing purposes shall bear thereon or have attached thereto in a conspicuous place a plainly written or printed label or tag in the English language, giving the following information:

(1) Commonly accepted name of (a) kind or (b) kind and variety, or (c) kind and type of each agricultural seed component in excess of 5 percent of the whole, and the percentage by weight of each. Where the aggregate of agricultural seed components, each present in an amount not exceeding 5 percent of the whole, exceeds 10 percent of the whole, each component in excess of 1 percent of the whole shall be named together with the percentage by weight of each. Where more than one component is required to be named, the names of all components shall be shown in letters of the same type and size.

(2) Lot number or other lot identification.

(3) Percentage by weight of all weed seeds.

(4) The name and approximate number of each kind of secondary noxious weed seed per pound.

All determinations of noxious weed seeds are subject to tolerances and methods of determination prescribed in the rules and regulations under this article.

(5) Percentage by weight of agricultural seeds other than those required to be named on the label.

(6) Percentage by weight of inert matter. Where a percentage by weight is required to be shown by any provision of this section such percentage shall be exclusive of any substance added to the seed as a coating and shown on the label as such.

(7) For each agricultural seed, in excess of 5 percent of the whole, stated in accordance with provision (1) of this section,

(a) percentage of germination, exclusive of hard seed, (b) percentage of hard seed, if present, and (c) the calendar month and year the test was completed to determine such percentages. Following (a) and (b) the additional statement "total germination and hard seed" may be stated as such, if desired.

(8) Name and address of the person who labeled said seed, or of the person who sells said seed within this State.

This section does not apply to an occasional sale of seed grain sold by the producer thereof to his neighbor for use as seed by the purchaser within the county of production.

SEC. 3. Section 913 of said code is amended to read:

913. Each container of vegetable seed which is for sale or sold within this State for sowing purposes shall bear thereon or have attached thereto in a conspicuous place a plainly written or printed label or tag in the English language, giving the following information:

(1) Name of kind and variety of seed;

(2) For seeds which germinate less than the standard last established by the director under this article:

(A) Percentage of germination, exclusive of hard seed;

(B) Percentage of hard seed, if present;

(C) The calendar month and year the test was completed to determine such percentages;

(D) The words "Below Standard" in not less than eight-point type; and

(3) Name and address of the person who labeled said seed, or of the person who sells said seed within this State.

(4) In addition to the information required above, on each container of more than one-half pound the label shall include:

(A) Lot number or other lot identification;

(B) The calendar month and year the germination test was completed.

SEC. 4. Section 914 of said code is amended to read:

914. It is unlawful to ship, deliver, transport, or sell any agricultural or vegetable seed within this State:

(1) Unless the test to determine the percentage of germination required by Sections 912 or 913 shall have been completed within the following period, exclusive of the calendar month in which the test was completed, immediately prior to shipment, delivery, transportation, or sale:

(A) In the case of agricultural or vegetable seeds shipped, delivered, transported, or sold to a dealer for resale, eight months;

(B) In the case of agricultural or vegetable seeds sold at retail, 15 months;

(C) In the case of agricultural or vegetable seeds packaged under conditions which the director finds and determines will prolong the viability of said seeds, the director may designate, in rules and regulations under this article, a longer period than otherwise specified in this section, and may require such

additional labeling as may be necessary to maintain identification of said seed packaged under such conditions.

(2) Not labeled in accordance with the provisions of this article.

(3) Containing primary noxious weed seeds, subject to tolerances and methods of determination prescribed in the rules and regulations under this article.

(4) Having a false or misleading labeling, or pertaining to which there has been a false or misleading advertisement.

(5) Represented to be certified seed or registered seed, unless it has been produced and labeled in accordance with the procedures and in compliance with the rules and regulations of a seed-certifying agency officially recognized under the provisions of this article, if produced in this State, or under the provisions of the Federal Seed Act and rules and regulations thereunder, if produced outside of this State.

(6) Containing more than 1½ percent by weight of all weed seeds.

SEC. 5. Section 915 of said code is amended to read:

915. The provisions of Sections 912 and 913 and provisions (1), (2), (3), and (6) of Section 914 do not apply:

(1) To seed or grain not intended for sowing purposes.

(2) To seed in storage in, or consigned to, a seed cleaning or processing establishment for cleaning or processing.

The provisions of Sections 912 and 913 and provisions (1), (2), and (6) of Section 914 do not apply to seed or grain transported without transfer of title for sowing on land owned by the person by whom the seed or grain was produced.

The provisions of Sections 912 and 913 and provisions (1) and (2) of Section 914 do not apply:

(1) To seed weighed and packaged in the presence of the purchaser from a bulk container; provided, such container is properly and conspicuously labeled as provided by this article.

(2) To seed or grain transported from one warehouse to another without transfer of title or in storage in a warehouse; provided, that each container is plainly marked or identified with a lot number or other lot identification; provided further, that label information required by said sections be available at the request of an enforcing officer.

SEC. 6 Section 915.5 of said code is amended to read:

915.5. No person shall be subject to the penalties of this article:

(1) For selling in this State any agricultural or vegetable seeds which are incorrectly labeled or represented as to kind, variety, or type, which seeds cannot be identified by examination thereof, unless he has failed to obtain an invoice or grower's declaration giving commonly accepted name of kind, kind and variety, or kind and type, and to take such other precautions as may be necessary to insure the identity to be that stated.

(2) As to any matter required by Sections 912 or 913, for selling such seeds in original unopened sealed packages

fully labeled by another dealer, unless he has failed to have such seeds retested and relabeled as to the percentage of germination within the period prescribed by Section 914, or unless he has failed to correct the label after notice that such label has been found to be incorrect.

(3) For shipping, delivering, transporting, or selling within this State any agricultural or vegetable seeds having a false labeling as to percentage of germination or hard seeds, unless he has first been given an opportunity by the director to appear at a hearing to introduce evidence, either in person or by agent or attorney, and unless the director, after such hearing, or upon failure or refusal of such person to appear, shall find that such person has failed to show that at the time stated on the label a sample representative of the lot of seed was tested by a competent seed analyst in accordance with the methods prescribed under this article and found to germinate as represented on the label; but this exemption does not relieve any person from the obligation, upon order of an enforcement official, to stop further sale of seeds found to be incorrectly labeled as to germination; nor does it exempt such seeds from seizure under this article.

SEC. 7. Section 916 of said code is amended to read:

916. The duty of enforcing this article and carrying out its provisions and requirements is vested in the director, and, under the supervision and direction of the director, in the commissioner of each county and such of his deputies and inspectors as are found by the director to be duly qualified as seed inspectors. It is the duty of such enforcing officer to sample and inspect agricultural and vegetable seeds subject to this article at such time and place and to such extent as he may deem necessary to determine whether said agricultural or vegetable seeds are in compliance with the provisions of this article, and to notify promptly the person in possession or control of said seed of any violation.

For the purpose of carrying out the provisions of this article, such officer is authorized to enter upon any public or private premises during regular business hours in order to have access to seeds subject to this article and the rules and regulations thereunder.

SEC. 8. Section 916.5 of said code is amended to read:

916.5. The director or the commissioner and such of his deputies and inspectors as are found by the director to be duly qualified as seed inspectors, as enforcing officers of this article, may issue and enforce a written or printed "stop-sale" order to the owner or custodian of any lot of agricultural or vegetable seed which he finds is in violation of any of the provisions of this article, which shall prohibit further sale of such seed until such officer has evidence that the law has been complied with and upon compliance such order shall be removed.

It is unlawful to move or otherwise dispose of any lot of seed held under a "stop-sale" order except under written permission of an enforcing officer or under his specific direction and

for the purposes specified therein. The owner or custodian of such seeds upon demand shall have the right to a hearing before the director or the commissioner as to the justification of any such order, and may appeal to the director from any order of the commissioner made under the provisions of this section. The provisions of this section shall not be construed as limiting the right of the enforcement officer to proceed as authorized by other sections of this article. Any decision of the director in accordance with this section is subject to review by any court of competent jurisdiction.

SEC. 9. Section 919 of said code is amended to read:

919. Any lot of agricultural or vegetable seed not in compliance with the provisions of this article is a public nuisance and shall be subject to seizure on complaint of the director or the commissioner or any enforcing officer of this article to a court of competent jurisdiction in the area in which the seed is located.

The district attorney of the county in which any such nuisance is found, on the relation of the director or the commissioner or any enforcing officer of this article, shall maintain, in the name of the people of the State of California, a civil action to abate and prevent such nuisance; and upon judgment and by order of the court, such nuisance shall be condemned and destroyed in the manner directed by the court, or relabeled, denatured, or otherwise processed, or released upon such conditions as the court in its discretion may impose to insure that the nuisance will be abated.

If the owner fails to comply with the order of the court within the time specified therein, the court may order disposal of the seed and containers, or the sale thereof, under such terms and conditions as the court may prescribe, by the director or the commissioner or any enforcing officer of this article, or by the sheriff, marshal, or constable; and in the event the court orders the sale of any of the seed and containers which can be salvaged, the costs of disposal shall be deducted from the proceeds of sale and the balance paid into court for the owner.

In actions arising under the provisions of this section, municipal courts shall have original jurisdiction where the value of the property seized amounts to three thousand dollars ($3,000) or less; justice courts shall have original jurisdiction where the value amounts to five hundred dollars ($500) or less.

CHAPTER 291

An act to add Section 23428.11 to the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor May 8, 1963 Filed with Secretary of State May 8, 1963]

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

SECTION 1. Section 23428.11 is added to the Business and Professions Code, to read:

23428.11. For the purposes of this article "club" also means any firemen's association which is composed entirely of active and retired firemen, which has a membership of not less than 100 bona fide members and has been in existence for a period of more than 10 years, which holds regular meetings and has regular dues, and which owns, leases, operates, or maintains an establishment for association purposes and has operated such establishment for not less than one year.

CHAPTER 292

An act to amend Sections 4000, 9400, 24951, 25100, 29004, 31501 and 35785 of, and to add Sections 378 and 35417 to, the Vehicle Code, relating to vehicles.

[Approved by Governor May 8, 1963 Filed with Secretary of State May 8, 1963]

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

SECTION 1. Section 378 is added to the Vehicle Code, to read:

378. A "logging dolly" is a vehicle designed for carrying logs, having one or more axles which axles, if there be more than one, are not more than 54 inches apart, and used in connection with a motor truck solely for the purpose of transporting logs and securely connected with the towing vehicle both by a reach and by the load.

SEC. 2. Section 4000 of said code is amended to read:

4000. No person shall drive, move, or leave standing any motor vehicle, trailer, semitrailer, pole or pipe dolly, logging dolly, or auxiliary dolly upon a highway unless it is registered and the appropriate fees have been paid under this code.

No person shall drive, move, or leave standing any motor vehicle upon a highway which has been registered in violation of Chapter 3 (commencing at Section 24378) of Division 20 of the Health and Safety Code.

SEC. 3. Section 9400 of said code is amended to read:

9400. (1) In addition to any other registration fee there shall be paid the following fees for the registration of com-

mercial vehicles, except vehicles designed to transport property which are used exclusively to transport passengers without the owner thereof receiving compensation or profit for the transportation:

(a) For any electric vehicle designed, used, or maintained as described in this section fees shall be paid for registration according to the following schedule:

Unladen weight	Fee
Less than 6,000 lbs.	$48
6,000 lbs. or more but less than 10,000 lbs.	96
10,000 lbs. or more	128

(b) For any motor vehicle having not more than two axles and designed, used or maintained as described in this section, other than an electric vehicle, fees shall be paid for registration according to the following schedule:

Unladen weight	Fee
3,000 lbs. to and including 4,000 lbs.	$14
4,001 lbs. to and including 5,000 lbs.	27
5,001 lbs. to and including 6,000 lbs.	40
6,001 lbs. to and including 7,000 lbs.	54
7,001 lbs to and including 8,000 lbs.	67
8,001 lbs to and including 9,000 lbs.	80
9,001 lbs. to and including 10,000 lbs.	94
10,001 lbs. to and including 11,000 lbs.	107
11,001 lbs. to and including 12,000 lbs.	120
12,001 lbs. to and including 13,000 lbs.	134
13,001 lbs. to and including 14,000 lbs.	147
14,001 lbs. and over	160

(c) For any motor vehicle having three or more axles or for any trailer, semitrailer, pole or pipe dolly, logging dolly, or other dolly designed, used or maintained as described in this section, other than an electric vehicle, fees shall be paid for registration according to the following schedule:

Unladen weight	Fee
2,000 lbs. to and including 3,000 lbs.	$11
3,001 lbs. to and including 4,000 lbs.	20
4,001 lbs. to and including 5,000 lbs.	40
5,001 lbs. to and including 6,000 lbs.	60
6,001 lbs. to and including 7,000 lbs.	80
7,001 lbs. to and including 8,000 lbs.	100
8,001 lbs. to and including 9,000 lbs.	120
9,001 lbs. to and including 10,000 lbs.	140
10,001 lbs to and including 11,000 lbs.	160
11,001 lbs. to and including 12,000 lbs.	180
12,001 lbs to and including 13,000 lbs.	200
13,001 lbs. to and including 14,000 lbs.	220
14,001 lbs. to and including 15,000 lbs.	240
15,001 lbs. and over	267

(2) In addition to any other registration fee there may be paid the following fee for registration of any commercial motor vehicle with an unladen weight of less than 3,000 pounds—Fee—$10.

SEC. 4. Section 24951 of said code is amended to read:

24951. (a) Any vehicle may be equipped, and when required by this code, shall be equipped, with a lamp-type turn signal system or semaphore turn signal device capable of clearly indicating any intention to turn either to the right or to the left.

(b) The following vehicles which are manufactured and first registered on or after January 1, 1958, shall be equipped with a lamp-type turn signal system of a type approved by the department and meeting the requirements of this chapter:

All passenger-type vehicles except motorcycles and motor-driven cycles.

All motor trucks and truck tractors.

All trailers or semitrailers having a gross weight of 6,000 pounds or more.

This requirement does not apply to special mobile equipment, pole or pipe dollies, logging dollies, or auxiliary dollies.

SEC. 5. Section 25100 of said code is amended to read:

25100. (a) Except as provided in subdivisions (b) and (d), every vehicle 80 inches or more in overall width shall be equipped during darkness as follows:

(1) At least one amber clearance lamp at each side on the front and at least one red clearance lamp at each side on the rear.

(2) At least one amber side-marker lamp on each side near the front and at least one red side-marker lamp on each side near the rear.

(3) At least one amber side-marker lamp on each side at or near the center on trailers and semitrailers 30 feet or more in length and which are manufactured and first registered after January 1, 1962.

(b) The following vehicles when 80 inches or more in overall width and not equipped as provided in subdivision (a) shall be equipped during darkness as follows:

(1) Truck tractors shall be equipped with at least one amber clearance lamp at each side on the front of the cab or sleeper and may be equipped with amber side-marker lamps on each side.

(2) Pole or pipe dollies, or logging dollies shall be equipped with at least one combination clearance and side-marker lamp on each side showing red to the front, side and rear.

(3) Vehicles, except truck tractors, which are 80 inches or more in width over a distance not exceeding three feet from front to rear shall be equipped with at least one amber combination clearance lamp and side-marker lamp on each side visible from the front, side, and rear if the projection is near the front of the vehicle and at least one such red lamp if the projection is near the rear of the vehicle.

(4) Towing motor vehicles engaged in driveaway-towaway operations shall be equipped with at least one amber clearance lamp at each side on the front and at least one amber side-marker lamp on each side near the front.

(5) Towed motor vehicles engaged in driveaway-towaway operations shall be equipped with at least one amber side-marker lamp on each side of intermediate vehicles, and the rearmost vehicle shall be equipped with at least one red side-marker lamp on each side and at least one red clearance lamp at each side on the rear.

(c) Loads extending beyond the side of a vehicle where the overall width of vehicle and load is 80 inches or more shall be equipped with an amber combination clearance and side-marker lamp on the side at the front and a red combination clearance and side-marker lamp on the side at the rear. In lieu of the foregoing requirement, projecting loads not exceeding three feet from front to rear at the extreme width shall be equipped with at least one amber combination clearance and side-marker lamp on the side visible from the front, side, and rear if the projection is near the front of the vehicle and at least one such red lamp if the projection is near the rear of the vehicle.

(d) Clearance and side-marker lamps are not required on auxiliary dollies and passenger vehicles.

(e) Clearance lamps shall be visible from all distances between 500 feet and 50 feet to the front or rear of the vehicle, and side-marker lamps shall be visible from all distances between 500 feet and 50 feet to the side of the vehicle. Clearance lamps shall, so far as is practicable, be mounted to indicate the extreme width and height of the vehicle except that front clearance lamps on flatbed trucks shall be mounted on the front of the bed if it extends beyond the side of the cab. Side-marker lamps shall be mounted so the lenses project to the outer extremity of vehicle or load. Clearance lamps may be combined with side-marker lamps provided the combination lamp meets the requirements for both types of lamp and is mounted as specified for side-marker lamps.

SEC. 6. Section 29004 of said code is amended to read:

29004. This chapter does not apply to tow cars or to the drawbar or other connection between a motor vehicle and a pole or pipe dolly or logging dolly or to any lawful trailer used as a pole or pipe dolly.

SEC. 6.5. Section 31501 of said code is amended to read:

31501. Logging dollies being carried on trucks shall have at least one set of tires resting against a steel cross rail or rails and steel side chocks measuring not less than four inches from base to tip which shall be securely attached to the truck in a manner designed to prevent the forward and sideward movement of the dolly.

SEC. 7. Section 35417 is added to said code, to read:

35417. A combination of vehicles consisting of a motor-truck and a logging dolly may exceed a total length of 60 feet but may not exceed a total length of 65 feet.

SEC. 8. Section 35785 of said code is amended to read:

35785. (a) The axle weight limitations imposed in Sections 35550 and 35551 shall not apply to the transportation of a single saw log which does not exceed 8 feet in diameter and 21 feet in length or 6 feet in diameter and 33 feet in length, if such log is hauled on a combination of vehicles consisting of a three-axle truck and a two-axle logging dolly under permit issued by the Department of Public Works or by local authorities with respect to highways under their respective jurisdictions. Such permit may be granted for not more than thirty (30) days and may be revocable upon notice by the department or local authorities, as the case may be. (b) When so transported, the vehicle shall not be operated over any bridge or causeway at a speed of more than 15 miles per hour or on the highway at more than 25 miles per hour, on routes designated in the permit. Diameter measurements of the logs shall be made on the large end.

CHAPTER 293

An act to add Section 172.9 to the Penal Code, relating to alcoholic beverages.

[Approved by Governor May 8, 1963. Filed with Secretary of State May 8, 1963.]

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

SECTION 1. Section 172.9 is added to the Penal Code, to read:

172.9. The word "university," when used in this chapter with reference to the sale, gift, exposing or offering for sale, of alcoholic beverages, means an institution which has the authority to grant an academic graduate degree.

CHAPTER 294

An act to add Section 15955.5 to the Education Code, relating to contracts by school districts.

[Approved by Governor May 8, 1963. Filed with Secretary of State May 8, 1963.]

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

SECTION 1. Section 15955.5 is added to the Education Code, to read:

15955.5. The governing board of a school district may contract for electromechanical or electronic data processing work to be done, or related services to be performed, for a period not to exceed 90 days, to meet emergency situations, or to meet temporary peak workloads, or on a temporary basis for specific projects when it is determined by the governing board, in its judgment, to be essential to the district to accomplish the work or services within established time limits, and when the personnel commission finds that it is not practical to employ temporary personnel pursuant to Article 5 (commencing with Section 13701) of Chapter 3 of Division 10. In emergency situations arising between regularly scheduled meetings of the personnel commission, the approval of the personnel director shall constitute authority for an interim contract. The findings of the personnel director shall be effective until the next regular meeting of the personnel commission.

CHAPTER 295

An act to amend Section 24076 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor May 8, 1963. Filed with Secretary of State May 8, 1963.]

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

SECTION 1. Section 24076 of the Business and Professions Code is amended to read:

24076. No licensee shall enter into any agreement wherein he pledges the transfer of his license as security for a loan or as security for the fulfillment of any agreement. No license shall be transferred if the transfer is to satisfy a loan or to fulfill an agreement entered into more than 90 days preceding the date on which the transfer application is filed, or to gain or establish a preference to or for any creditor of the transferor, or to defraud or injure any creditor of the transferor.

CHAPTER 296

An act to amend Section 3200 of the Fish and Game Code, relating to raising, importing, and selling of domesticated game birds and mammals.

[Approved by Governor May 8, 1963. Filed with Secretary of State May 8, 1963]

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

SECTION 1. Section 3200 of the Fish and Game Code is amended to read:

3200. Any person engaged in raising or importing, or who keeps in captivity, in this State domesticated game birds or domesticated game mammals which normally exist in the wild in this State shall procure a domesticated game breeder's license if the birds or mammals are kept more than 30 days after acquisition. No such license is, however, required of any of the following:

(a) Licensed pheasant clubs, except to the extent provided in Section 3283.

(b) Keepers of hotels, restaurants, boardinghouses, or clubs serving the meat of such birds or mammals for actual consumption on the premises.

(c) Retail meat dealers selling such meat to customers for actual consumption.

(d) Public zoological gardens possessing such birds or mammals for exhibition purposes or for the purpose of disposing of such birds or mammals by sale, exchange or donation to other public zoological gardens.

CHAPTER 297

An act to amend Section 8436 of the Fish and Game Code, relating to fresh-water fish.

[Approved by Governor May 8, 1963. Filed with Secretary of State May 8, 1963.]

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

SECTION 1. Section 8436 of the Fish and Game Code is amended to read:

8436. No fish of the family Centrarchidae (Sacramento perch, crappie, black bass and sunfish) may be sold or purchased, other than fish which are domesticated and tagged in accordance with regulations prescribed by the commission.

CHAPTER 298

An act to maintain the Code of Civil Procedure by amending Sections 274a and 1190.1 thereof, relating to procedures in civil actions and special proceedings of a civil nature.

[Approved by Governor May 8, 1963. Filed with Secretary of State May 8, 1963.]

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

SECTION 1. Section 274a of the Code of Civil Procedure is amended to read:

274a. Judges of the superior court may have any opinion given or rendered by such judge in the trial of any action or

proceeding, pending in such court, or any necessary order, petition, citation, commitment or judgment in any probate proceeding, proceeding concerning new or additional bonds of county officials or juvenile court proceeding, or necessary order, petition, citation, commitment, or oral testimony or judgment in any insanity proceeding or proceedings relative to an alleged feebleminded person, or the testimony or judgment relating to the custody or support of minor children in any proceeding in which the custody or support of minor children is involved, taken down in shorthand and transcribed together with such copies as the court may deem necessary by the official reporter of such court, but if there be no official reporter for such court, then by any competent stenographer; the cost thereof shall be a legal charge against the county, payable out of the county treasury, except the fee for reporting and transcribing in any civil action or proceeding or in any probate proceeding, in the manner set forth in Sections 69947 to 69953, inclusive, of the Government Code.

SEC. 2. Section 1190.1 of said code is amended to read:

1190.1. (a) Any of the persons mentioned in Sections 1181 and 1184.1, except the contractor, and all persons, firms and corporations, excluding the contractor, performing work or furnishing materials, or both, upon any public improvement, including highways, streets, wagon roads, viaducts or sewers, may at any time, prior to the expiration of the period within which claims of lien must be filed for record, as prescribed by the provisions of Section 1193.1 of this code, give to the owner, a notice that they have performed labor or furnished materials, or both, to the contractor or other person acting by the authority of the owner, or that they have agreed to do so, stating in general terms the kind of labor and materials and the name of the person to or for whom the same was done or furnished, or both, and the amount in value, as near as may be, of that already done or furnished, or both, and of the whole agreed to be done or furnished, or both, and any of said persons who shall on the written demand of the owner refuse to give such notice shall thereby deprive himself of the right to claim a lien under this chapter.

(b) Such notice must be verified by the claimant, or by some person acting in his behalf, and may be given by delivering the same to said owner, personally, or by leaving it at his residence or place of business with some person in charge, or by delivering it to his architect, if any; provided, however, that in all cases in which said work is being done under a contract with the State, or with any public board, commission, or officer thereof, or with any political subdivision thereof, such notice must be filed, within said time, in the office of the controller, auditor, or other public disbursing officer whose duty it is to make payments under the provisions of such contract, or with the commissioners, managers, trustees, officers, board of supervisors, board of trustees, common council or other body by whom the contract for the improvement was awarded. In the

case of any contract of the State by or through the Department of Public Works, such notice must be filed with the Director of Public Works, and not with the State Controller In the case of any contract of the State by or through any other state department, board, commission, or officer, such notice must be filed within said time with the head of such state department, board, commission, or officer and not with the State Controller. No such notice shall be invalid by reason of any defect in form; provided, it is sufficient to inform the owner of the substantial matters herein provided for.

(c) Upon such notice being given it shall be the duty of the person to whom such notice is given to, and he shall withhold from his contractor or from any person acting under his authority and to whom said labor or materials, or both have been furnished, or agreed to be furnished, sufficient money or sufficient bonds, where bonds are to be issued in lieu of money by the political subdivision which contracted for said work, due or that may become due to such contractor to answer such claim and any lien that may be filed therefor, and, if the owner is a public body whose property, by reason of public policy or otherwise, is not subject to the liens in this chapter provided for, also the reasonable cost of any litigation thereunder.

Provided, however, that if in connection with any private work of improvement, any statutory labor and material bond has been furnished under Section 1185.1 of this code complying with the provisions of such last mentioned section and has been recorded in the office of the county recorder, as in said section, provided, then in said event, it shall not be the duty of the person to whom such notice is given to withhold any moneys pursuant to such notice but such moneys may be withheld by such person to whom such notice is given.

If the contractor asserts that the claim upon which any such notice is based, or out of which it arises, is either: (1) not included within the types or classifications of claims referred to in this section, or (2) that the claimant is not one of the persons mentioned in Sections 1181 and 1184.1, or (3) that the amount of the claim as specified in such notice is excessive, or (4) that there is no basis in law for the claim as referred to and set out in such notice, then, on any such ground, or any combination thereof, such contractor may avail himself of the right to prepare and deliver to the department head, board, commission, or officer thereof, to whom such notice was given, an affidavit and a copy thereof alleging any one or more of the grounds hereinabove set out, and claiming that the moneys or bonds withheld by such officer, or any part of either such moneys or bonds, are being withheld improperly or in an excessive amount, and further demanding the release of all or such portion of such moneys or bonds as is alleged to be withheld improperly or in an excessive amount. Such affidavits shall state all of the facts necessary to support the claim of the contractor, and shall also state his address within this State for the purpose of permitting service by mail upon him of any

counteraffidavit, notice of motion, or other notice or legal document.

The department head, board, commission, or officer thereof, shall serve upon the claimant, either personally or by mail, a copy of the affidavit, together with a written notice stating that the affidavit and demand for release has been received and that such department head, board, commission, or officer thereof will release such moneys or bonds, or such portion of either as has been demanded, unless the claimant files with such department head, board, commission, or officer thereof, a counteraffidavit on or before a time designated in the notice, which shall be not less than 10 nor more than 20 days after service of the copy of such affidavit. Service by mail shall be complete by placing the notice and copy of the affidavit in a sealed envelope addressed to the last known address of the claimant, registered with return receipt requested, and depositing it in the United States mail with postage fully prepaid. Proof of service, either personally or by mail, shall be made by an affidavit.

If the claimant desires to contest the contractor's affidavit and demand for release, he shall, within the time allowed, file with the department head, board, commission, or officer thereof, a counteraffidavit alleging the details of his claim and shall also set forth in detail the specific basis upon which he contests or rebuts the claim or claims of the contractor, together with proof of service of a copy of such counteraffidavit upon the contractor.

The department head, board, commission, or officer thereof, shall not be responsible for the validity of said affidavit or counteraffidavit.

If no such counteraffidavit with proof of service is filed with the department head, board, commission, or officer thereof, within the time allowed, then such department head, commission, or officer thereof, shall forthwith release the moneys or bonds, or such portion thereof as has been demanded by such affidavit, without further notice to the claimant and shall not be liable in any manner for making such release.

If such counteraffidavit, together with proof of service, is so filed, either the contractor or the claimant may file an action in the appropriate superior court for a declaration of his rights in and to such moneys or bonds as have been withheld under the original notice, together with such other relief as may be appropriate. After the filing of a suit requesting such a declaration of rights, either the contractor or the claimant shall be entitled to a hearing in the court in which the action is pending for the purpose of determining his rights under the affidavit and demand for release of such moneys or bonds or any portion of either of them and the counteraffidavit. Such hearing must be granted by the court upon motion of either party, and such hearing must be had within 15 days from the date of making of such motion, unless continued by the court for good cause. The party making the motion for hearing must give not less than five days notice in writing of such hearing to the department

head, board, commission, or officer thereof, and to the other party, and shall specify in the notice that the hearing is for the purpose of determining the sufficiency of and the issues involved in the demand for release of such moneys or bonds. The notice may be of the motion or of the hearing, and upon the filing of the notice with the clerk of the court, the motion is deemed made.

At such hearing, the contractor who has filed the affidavit and made the demand for the release of such moneys or bonds shall have the burden of proof. The affidavit and counteraffidavits shall be filed with the court by the department head, board, commission, or officer thereof, who received them, and they shall constitute the pleadings, subject to the power of the court to permit an amendment in the interest of justice. The affidavit of the contractor shall be deemed controverted by the counteraffidavit, and both shall be received in evidence.

Nothing herein contained shall be construed to deprive any party of the right of a jury trial in any case where such right is given by the Constitution, but a jury trial may be waived in any such case in like manner as in the trial of an action. No findings shall be required in a proceeding under this section. When the hearing is before the court sitting without a jury and no evidence other than the affidavit and counteraffidavit is offered, if the court is satisfied that sufficient facts are shown thereby, it may make its determination thereon, otherwise, it shall order the hearing continued for the production of other evidence, oral or documentary, or the filing of other affidavits and counteraffidavits. At the conclusion of the hearing, the court shall make and enter its order determining whether the demand for release of such moneys or bonds shall be allowed or not, which order shall be determinative as to the right of the claimant to have the moneys or bonds further withheld by the department head, board, commission, or officer thereof. No determination in the summary proceedings under this section shall be res adjudicata with respect to any right of action by the claimant against either principal or surety on or under the statutory labor and material bond given under Sections 4200 to 4208, inclusive, of the Government Code, commonly referred to as the California Public Works Bond Act, or with respect to any right of action against any party personally liable to claimant. The contractor shall, either personally or by mail, serve a copy of said order on the appropriate department head, board, commission, or officer thereof.

(d) In the event the moneys so withheld or required to be withheld shall be insufficient to pay in full the valid demands of all persons by whom such notices were given, the same shall be distributed among such persons in the same ratio that their respective claims bear to the aggregate of such valid demands. Such pro rata distribution of said moneys shall be made among the persons entitled to share therein, without regard to the order of priority in which their respective notices may have been given or their respective actions, if any, commenced.

(e) Any person who shall willfully give a false notice of his claim to the owner or who shall willfully include in his claim work or materials not performed upon or furnished for the property described in such notice shall forfeit all right to participate in the pro rata distribution of such moneys and all right to any lien under this chapter.

(f) Nothing in this article contained shall be construed to impair in any manner the right of any person by whom such notice has been given to recover from the contractor or his sureties any deficit that may remain unpaid after such pro rata distribution in an action upon the bond provided for by Section 4200 of the Government Code.

(g) The word "owner" as used in this section, includes the State, or any public board, commission, or officer, thereof, or any political subdivision thereof, whether the said work be done by or under the direction of said State, public board, commission, or officer thereof, or any political subdivision thereof.

(h) Any of the persons mentioned in Sections 1181 and 1184.1, except the contractor at any time prior to the expiration of the period within which claims of lien must be filed for record, as prescribed by the provisions of Section 1193.1 of this code, may, in any instance in which the funds with which the cost of the work of improvements are, wholly or in part, to be defrayed from the proceeds of a building loan, give to the mortgagee, beneficiary under deed of trust, or assignee or successor in interest of either, or to any escrow holder or other party holding any funds furnished or to be furnished by the owner or lender or any other person as a fund from which to pay construction costs or arising out of a construction or building loan, a notice similar to the one provided for in subdivision (a) of this section, whereupon the person so given such notice under this subsection may withhold funds to answer such claims and any lien that may be filed therefor, but shall be under no obligation to do so unless a bond is furnished as hereinafter provided.

If such person entitled to file such a claim under this subsection files with the person holding such funds as a fund from which to pay such construction costs, a bond with good and sufficient sureties in a penal sum equal to one and one-quarter times the amount of such claim, undertaking that if the defendant recovers judgment in an action brought on said verified claim or on the lien filed by the claimant, the lien claimant will pay all costs that may be awarded against the owner, contractor, or person holding such funds, or any of them, and all damages that such owner, contractor, or person holding such funds may sustain by reason of the equitable garnishment effected by the claim or by reason of the lien, not exceeding the sum specified in the undertaking, then the person holding such funds must withhold from the borrower or other person to whom said owner may be obligated to make payments or advancements out of said fund sufficient money to answer such

claim, and any lien that may be filed therefor. No assignment by the owner or contractor of construction loan funds, whether made before a verified claim is filed, or after such claim is filed shall be held to take priority over claims filed under this subsection (h) and such assignment shall have no binding force insofar as the rights of claimants who file claims hereunder are concerned.

(i) If the contractor, subcontractor, or any other person against whom any claim is filed under subsection (h) above, or if the owner, mortgagee, beneficiary under deed of trust, escrow holder or any other person, disputes the correctness or validity of any claim so filed on private construction work, the contractor, subcontractor, owner or any such other person disputing such claim, may file with the custodian of such fund a bond executed by good and sufficient sureties in a penal sum equal to one and one-quarter times the amount of such claim, which bond shall guarantee the payment of any sum not exceeding the penal obligation of the bond, which the claimant may recover on the claim, together with his costs of suit in the action, if he recovers therein. Upon the filing of such last mentioned bond the funds withheld to respond to the verified claim shall forthwith be released.

(j) Subsections (h) and (i) above shall not apply to public work; nor shall either of such sections be applicable if in connection with a private work of improvement any statutory labor and material bond has been furnished under Section 1185.1 of this code complying with the provisions of such Section 1185.1, and has been recorded in the office of the county recorder at any time prior to the filing of the first verified claim or notice to withhold.

(k) To be effective any verified claim or notice to withhold filed under subsection (h) served upon a banking corporation or association, building and loan association, title insurance company, escrow holder or other person holding such construction funds, and maintaining branch offices must be given to or served upon the manager or other responsible officer or person at the office or branch thereof administering or holding such construction funds.

(*l*) Any verified claim or notice to withhold may be served by registered mail with the same effect as by personal service.

(m) If the person holding the funds objects to the sufficiency of the sureties on the bond referred to in subsection (h) above, he must give notice in writing to the claimant within 20 days after the service of the notice provided for in subsection (h) that he so objects, in which event the claimant may within 10 days after the receipt of such written objection substitute for the bond so objected to a similar bond in like amount executed by a corporate surety licensed to write such bonds in the State of California, and if the claimant fails to do so the party served with such verified claim or notice to withhold may disregard the same and release all funds withheld in response thereto.

CHAPTER 299

An act to maintain the Civil Code by amending Section 1812.94, relating to contracts for health and dance studio services.

[Approved by Governor May 8, 1963. Filed with Secretary of State May 8, 1963]

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

SECTION 1. Section 1812.94 of the Civil Code is amended to read:

1812.94. (a) Any buyer injured by a violation of this title may bring an action for the recovery of damages. Judgment may be entered for three times the amount at which the actual damages are assessed plus reasonable attorney fees.

(b) Notwithstanding the provisions of this title, any failure to comply with any provision of this title may be corrected within 30 days after the execution of the contract by the buyer, and, if so corrected, neither the seller nor the holder shall be subject to any penalty under this title, provided that any correction which increases any monthly payment, the number of payments, or the total amount due, must be concurred in, in writing, by the buyer. "Holder" includes the seller who acquires the contract or, if the contract is purchased by a financing agency or other assignee, the financing agency or other assignee.

CHAPTER 300

An act to amend Section 16855 of the Education Code, relating to schoolbuses.

[Approved by Governor May 8, 1963. Filed with Secretary of State May 8, 1963]

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

SECTION 1. Section 16855 of the Education Code is amended to read:

16855. Any officer, agent, or employee of a school district, or any other person knowingly operating, or permitting or directing the operation of a schoolbus in violation of any regulation or order of the State Board of Education, and any person knowingly operating a schoolbus without possessing the qualifications required by the regulations of the State Board of Education for schoolbus operators, is guilty of a misdemeanor.

CHAPTER 301

An act to add Section 22(a) to, and to amend Section 23 of, the Fresno Metropolitan Flood Control Act (Chapter 503, Statutes of 1955), relating to the Fresno Metropolitan Flood Control District, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 8, 1963. Filed with Secretary of State May 8, 1963.]

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

SECTION 1. Section 22(a) is added to the Fresno Metropolitan Flood Control Act (Chapter 503, Statutes of 1955), to read:

Sec. 22(a). If the board of directors determines that the money needed by the district for acquisition and construction of land and improvements has been reduced by reason of the formation of an assessment district and the levy of special assessments on the lands therein, or the establishment of a zone and the issuance and sale of bonds for said zone, together with completion of the works of improvement within such assessment district or zone, then the board may proportionately reduce the amount to be assessed upon the taxable real property in such assessment district or zone for the fiscal year, so that the property owners in such assessment district or zone will not be assessed for costs of acquisitions and improvements outside of such assessment district or zone, and the board of directors may request that the board of supervisors determine the rate of assessment tax separately for such assessment district or zone.

SEC. 2. Section 23 of said act is amended to read:

Sec. 23. The board of supervisors shall annually, not later than the first Monday in September, levy an assessment tax upon the taxable real property in the district sufficient to raise the amount stated in the annual budget, and also an assessment tax sufficient to raise the amount required for payment of principal and interest of bonds of the district. The board of supervisors shall determine the rate of each such assessment tax in the district and separately in any assessment district or zone if so requested by the board of directors of the district pursuant to the provisions of Section 22(a) hereof by deducting 10 percent for anticipated delinquencies from the total assessed value of the taxable real property in the district as it appears on the assessment roll of the county and then dividing the sum to be raised by the remainder of such total assessed value in the district and separately in any assessment district or zone which is the subject of a request pursuant to the provisions of Section 22(a) hereof; provided, that if a fraction of a cent occurs on a valuation of one hundred dollars ($100) it shall be taken as a full cent. The assessment tax levied during any year for all purposes other than bond

principal and interest shall not exceed twenty cents ($0.20) on each one hundred dollars ($100) of the assessed value of the taxable real property in the district according to the last equalized county assessment roll, except that the first tax levy, which may be for a longer period than one fiscal year, may not exceed thirty cents ($0.30) on each one hundred dollars ($100) of such assessed valuation. Said tax shall be extended and collected in the same manner and by the same officers and with the same penalties and interest as general county taxes, and when collected shall be paid into the treasury of the county and credited to the district.

SEC. 3. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order for the tax benefits provided by this act to be available to the property owners in the Fresno Metropolitan Flood Control District in the 1963-64 fiscal year it is necessary that this act take effect immediately.

CHAPTER 302

An act to amend Sections 31593, 31593.5, 31828, 31829, 31830, 31860, and 31867 of, and to add Sections 31569.3 and 31866.5 to, the Streets and Highways Code, relating to vehicle parking districts.

[Approved by Governor May 8, 1963. Filed with Secretary of State May 8, 1963.]

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

SECTION 1. Section 31569.3 is added to the Streets and Highways Code, to read:

31569.3 If a district has been formed to which the limit referred to in Section 31569.1 is not applicable, such limit may be made applicable to the district by a petition to that effect signed as specified in Section 31569.1. Such petition shall be filed and checked as in the case of a petition for the formation of a district, and if the clerk finds it is signed by the requisite number of qualified signers, he shall so certify in writing to the legislative body and such certification shall be conclusive as to the sufficiency of the petition. If such petition is filed and is certified as sufficient, the legislative body shall so find by resolution and thereafter the limit specified in Section 31569.1 shall be applicable to the district.

SEC. 2. Section 31593 of said code is amended to read:

31593. At any time subsequent to the adoption of the ordinance ordering the acquisition and improvement and declaring the district formed but before the confirmation of the assess-

ment the legislative body may decrease, change or otherwise modify the acquisition and improvement after notice and hearing in the same manner as provided in Sections 31557 to 31560. In proceedings under this section the legislative body shall not decrease, change or otherwise modify the acquisition and improvement unless following the hearing it determines that all of the lands in the district as originally formed or the district as changed pursuant to Section 31593.5, as the case may be, will be benefited by the acquisition and improvement remaining after such decrease, change or modification. Any such decrease, change or modification shall be effected by an ordinance amending the ordinance ordering the acquisition and improvement and declaring the district formed, and thereafter further proceedings under this part shall be taken pursuant to such ordinance as amended. The term "decrease, change or otherwise modify" includes the addition of acquisitions or improvements and also includes the substitution of additional acquisitions or improvements in lieu of acquisitions or improvements eliminated. If a condemnation action has been brought on any property eliminated, such action may be dismissed as to the property eliminated even though an interlocutory judgment has been entered, and a further condemnation action may be brought as to any property added or substituted for any property eliminated.

SEC. 3. Section 31593.5 of said code is amended to read:

31593.5. At any time subsequent to the adoption of the ordinance ordering the acquisition and improvement and declaring the district formed but before the confirmation of the assessment the legislative body may change the boundaries of the district after notice and hearing in the same manner as provided in Sections 31551 to 31555. In proceedings under this section the legislative body shall not change the boundaries of the district unless following the hearing it determines that all of the lands in the district as changed will be benefited by the acquisition and improvement originally ordered or the acquisition and improvement as changed pursuant to Section 31593, as the case may be. Any such change in boundaries shall be effected by an ordinance amending the ordinance declaring the district formed, and thereafter further proceedings under this part shall be taken pursuant to such ordinance as amended. Proceedings under this section may be combined with proceedings under Section 31593.

SEC. 4. Section 31828 of said code is amended to read:

31828. If the board determines that the revenues from fees, charges, and rentals exceeds the amounts necessary for the proper maintenance, operation, repair and improvement of the parking places, and the acquisition of additional parking places, upon the order of the board the surplus revenue may be applied as a credit to each assessment in the proportion which the principal amount of each assessment bears to the total principal amount of all the assessments. The credit to

each assessment, when added to all prior credits to that assessment, shall not exceed the principal amount of that assessment.

SEC. 5. Section 31829 of said code is amended to read:

31829. If the assessment has been paid in cash, the credit shall be returned in cash to the person who paid the corresponding assessment, upon his furnishing satisfactory evidence of such payment.

SEC. 6. Section 31830 of said code is amended to read:

31830. If the assessment is unpaid, the credit shall be applied upon the earliest unpaid installment or installments of principal and interest and any excess over the total principal and interest remaining unpaid shall be returned as provided in Section 31829.

SEC. 7. Section 31860 of said code is amended to read:

31860. At any time, either before or after the formation of the district, the legislative body may provide by ordinance that, for a period specified in the ordinance but not exceeding 25 years from its operative date, all or any specified amount, portion or percentage of revenues derived by the city from parking meters on streets within the district shall be used for the purposes specified in the ordinance which may include the acquisition, improvement, maintenance, repair, and operation of parking places for the use and benefit of the district. The purposes specified in the ordinance may also include the application of such revenues as a credit upon the levied assessments in the same manner as is provided in Sections 31828, 31829 and 31830. From the operative date of the ordinance such revenues shall for the period specified be placed in such fund or funds of the district as the board of commissioners specify and may be expended only for the purposes specified in the ordinance.

SEC. 8. Section 31866.5 is added to said code, to read:

31866.5 As a condition to the granting of a petition for inclusion under Section 31866, the legislative body, with the approval of the board of parking place commissioners, may require that the owner pay to the city an amount in addition to the amount required by and computed under Section 31866, which additional amount shall not exceed an amount deemed by the legislative body to be reasonable in light of the elapse of time and changes in circumstances since the levy of prior assessments and special ad valorem tax levies. Such additional amount shall be placed in such fund as the board directs and may be used for the purposes specified in Section 31866.

SEC. 9. Section 31867 of said code is amended to read:

31867. All claims for money or damages against the city are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

CHAPTER 303

An act to amend Sections 7183 and 7184 of, and to add Section 7186 to, the Fish and Game Code, relating to California sport fishing licenses and Arizona and California special use stamps, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 8, 1963. Filed with Secretary of State May 8, 1963]

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

SECTION 1. Section 7183 of the Fish and Game Code is amended to read:

7183. The Arizona Game and Fish Commission shall handle California sport fishing licenses and California special use stamps and issue them to Arizona license dealers, and prior to August 31st of each year shall make an audit report and send a remittance for such sales to the California Department of Fish and Game.

The California Department of Fish and Game shall handle Arizona special use stamps and issue them to California license dealers, and prior to August 31st of each year shall make an audit report and send a remittance for such sales to the Arizona Game and Fish Commission.

SEC. 2. Section 7184 of said code is amended to read:

7184. An Arizona special use stamp is valid from January 1st to December 31st, inclusive, of each year, to coincide with the period for which a California sport fishing license is issued.

A California special use stamp is valid for one year to coincide with the period for which an Arizona fishing license is issued.

SEC. 3. Section 7186 is added to said code, to read:

7186. (1) When the director determines from the Secretary of State that copies of the law of the State of Arizona have been received by the Secretary of State which provides for an Arizona resident sport fishing license valid for a period of less than one year, a California special use stamp valid for the same period as the Arizona resident sport fishing license may be issued for a fee of one dollar ($1).

(2) If Arizona issues a resident sport fishing license for a term less than one year for the purpose of changing to a calendar year license from a fiscal year license, such a license shall be deemed to be a license upon substantially the same terms and conditions as are provided for the issuance of California licenses to licensees of the State of Arizona for the purposes of Section 7185.

SEC. 4. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are: If the benefits of this act are to be available during the 1963 season, this act must be in effect immediately.

CHAPTER 304

An act to amend Section 5933 of the Fish and Game Code, relating to fishways.

[Approved by Governor May 8, 1963. Filed with Secretary of State May 8, 1963.]

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

SECTION 1. Section 5933 of the Fish and Game Code is amended to read:

5933. Whenever an application for approval of plans and specifications for a new dam in any stream in this State, or for the enlargement of any dam in any such stream, is filed with the Department of Water Resources, pursuant to Part 1 (commencing with Section 6000) of Division 3 of the Water Code, a copy of such application shall be filed by the applicant with the commission. If then the commission deems that the construction of a fishway over such a dam is necessary for the preservation and protection of fish, and that construction and operation of such fishway is practicable, it shall set a date for a hearing to be held within 90 days after filing of such application with the commission.

At such hearing the applicant shall be entitled to introduce evidence to show that construction of the fishway is not necessary or is not practicable, taking into consideration the height of the dam and the amount of water available.

If, after the hearing, the commission finds that the construction of the fishway is necessary and practicable it shall, within five days after such hearing, notify the applicant to that effect.

After notice from the commission that a fishway is required, it shall be unlawful to commence the construction of any new dam or the enlargement of any dam without first obtaining the written approval of the commission of the design for such a fishway.

CHAPTER 305

An act to amend Section 23091 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor May 8, 1963 Filed with Secretary of State May 8, 1963]

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

SECTION 1. Section 23091 of the Business and Professions Code is amended to read:

23091. Final orders of the board shall be subject to judicial review. Time for filing an action for such review shall be not more than thirty (30) days from the date on which the final order of the board is delivered to the parties personally or sent to them by registered mail.

CHAPTER 306

An act to amend Section 3516 of the Fish and Game Code, relating to imported game birds.

[Approved by Governor May 8, 1963. Filed with Secretary of State May 8, 1963.]

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

SECTION 1. Section 3516 of the Fish and Game Code is amended to read:

3516. The commission may adopt such regulations as it deems necessary to govern the release, taking, and possession of exotic nonresident game birds.

The commission may adopt such regulations as it deems necessary to govern the inspection of resident game birds imported into this State.

CHAPTER 307

An act to amend Section 11010 of the Government Code, relating to proration of costs of services provided by the State.

[Approved by Governor May 8, 1963. Filed with Secretary of State May 8, 1963.]

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

SECTION 1. Section 11010 of the Government Code is amended to read:

11010. When a state agency, supported from the General Fund, is required to collect from any person, firm, or corporation a proportionate share of the cost of providing any service, inspection, or audit, such share shall include:

(a) A proration of the cost to the State, as determined by the Department of Finance, of janitor service for the agency and of the charge for rent actually made for space occupied by the agency in a state-owned building or that would be charged such agency were it required to pay rent for such occupancy.

(b) A proration of the administrative costs of the agency, as defined in Section 11270.

(c) The pro rata share of the cost of insuring motor vehicles belonging to the state agency against liability for damages resulting from the negligent operation of motor vehicles and arising under Section 400 of the Vehicle Code or, in the discretion of the Director of Finance, an amount which he considers equivalent to such pro rata share to be expended by him in accordance with law in paying claims under that section and for their investigation, adjustment, defense and administration.

(d) The pro rata cost of workmen's compensation insurance and bonds covering the officers and employees of the state agency.

(e) A proration of the State's retirement contribution for the employees engaged in providing such services, inspection or audit.

(f) A proration of the State's contribution toward the cost of medical and hospital care, including administrative costs, and the cost of procuring liability insurance coverage, for the employees engaged in providing such services, inspection or audit.

(g) A proration of the cost of Attorney General's services rendered the agency

(h) A proration of any other costs to the State for providing such service, inspection or audit.

CHAPTER 308

An act to amend Sections 10163, 10163.5 and 10489.2 of the Insurance Code, relating to industrial life insurance mortality tables.

[Approved by Governor May 8, 1963. Filed with Secretary of State May 8, 1963]

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

SECTION 1. Section 10163 of the Insurance Code is amended to read:

10163. Except as provided in the third paragraph of this section, the adjusted premiums for any policy shall be calculated on an annual basis and shall be such uniform percentage of the respective premiums specified in the policy for each policy year, excluding extra premiums on a substandard policy, that the present value, at the date of issue of the policy, of all such adjusted premiums shall be equal to the sum of (i) the then present value of the future guaranteed benefits provided for by the policy; (ii) two percent (2%) of the amount of insurance, if the insurance be uniform in amount, or of the equivalent uniform amount, as hereinafter defined, if the amount of insurance varies with duration of the policy; (iii) forty percent (40%) of the adjusted premium for the first policy year; (iv) twenty-five percent (25%) of either the adjusted premium for the first policy year or the adjusted premium for a whole life policy of the same uniform or equivalent uniform amount with uniform premiums for the whole of life issued at the same age for the same amount of insurance, whichever is less. In applying the percentages specified in (iii) and (iv) above, no adjusted premium shall be deemed to exceed four percent (4%) of the amount of insurance or uniform amount equivalent thereto.

In the case of a policy providing an amount of insurance varying with duration of the policy, the equivalent uniform amount thereof for the purpose of this section shall be deemed to be the uniform amount of insurance provided by an otherwise similar policy, containing the same endowment benefit or benefits, if any, issued at the same age and for the same term, the amount of which does not vary with duration and the benefits under which have the same present value at the date of issue as the benefits under the policy, provided, however, that in the case of a policy providing a varying amount of insurance issued on the life of a child under age 10, the equivalent uniform amount may be computed as though the amount of insurance provided by the policy prior to the attainment of age 10 were the amount provided by such policy at age 10.

The adjusted premiums for any policy providing term insurance benefits by rider or supplemental policy provision unless such term insurance benefits are disregarded under Section 10164 shall be equal to (a) the adjusted premiums for an otherwise similar policy issued at the same age without such term insurance benefits, increased, during the period for which premiums for such term insurance benefits are payable, by (b) the adjusted premiums for such term insurance, the foregoing items (a) and (b) being calculated separately and as specified in the first two paragraphs of this section.

Except as otherwise provided in Section 10163.5, all adjusted premiums and present values referred to in this article shall for all policies of ordinary insurance be calculated on the basis of the Commissioners 1941 Standard Ordinary Mortality Table; provided, however, that for any category of ordinary insurance issued on female risks, adjusted premiums and present values may be calculated, at the option of the insurer, according to an age not more than three years younger than the actual age of the insured, and such calculations for all policies of industrial insurance shall be made on the basis of the 1941 Standard Industrial Mortality Table. All calculations shall be made on the basis of the rate of interest, not exceeding three and one-half percent (3½%) per annum, specified in the policy for calculating cash surrender values and paid-up nonforfeiture benefits However, in calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than one hundred thirty percent (130%) of the rates of mortality according to such applicable table; and for insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on such other table of mortality as may be specified by the insurer and approved by the commissioner.

SEC 2. Section 10163.5 of said code is amended to read:

10163.5. (a) In the case of ordinary policies issued on or after the operative date of this subsection as defined herein, all adjusted premiums and present values referred to in

this article shall be calculated on the basis of the Commissioners 1958 Standard Ordinary Mortality Table and the rate of interest, not exceeding three and one-half percent (3½%) per annum, specified in the policy for calculating cash surrender values and paid-up nonforfeiture benefits; provided, that for any category of ordinary insurance issued on female risks, adjusted premiums and present values may be calculated according to an age not more than three years younger than the actual age of the insured; provided, however, that in calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than those shown in the Commissioners 1958 Extended Term Insurance Table; provided further, that for insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on such other table of mortality as may be specified by the company and approved by the commissioner.

On or after January 1, 1961, any company may file with the commissioner a written notice of its election to comply with the provisions of this subsection after a specified date before January 1, 1966. After the filing of such notice, then upon such specified date (which shall be the operative date of this subsection for such company), this subsection shall become operative with respect to the ordinary policies thereafter issued by such company. If a company makes no such election, the operative date of this subsection for such company shall be January 1, 1966.

(b) In the case of industrial policies issued on or after the operative date of this subsection as defined herein, all adjusted premiums and present values referred to in this article shall be calculated on the basis of the Commissioners 1961 Standard Industrial Mortality Table and the rate of interest, not exceeding three and one-half percent (3½) per annum, specified in the policy for calculating cash surrender values and paid-up non-forfeiture benefits. Provided, however, that in calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than those shown in the Commissioners 1961 Industrial Extended Term Insurance Table. Provided, further, that for insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on such other table of mortality as may be specified by the company and approved by the commissioner.

After the effective date of this amendatory act, any company may file with the commissioner a written notice of its election to comply with the provisions of this subsection after a specified date before January 1, 1968. After the filing of such notice, then upon such specified date (which shall be the operative date of this subsection for such company), this subsection shall become operative with respect to the industrial

policies thereafter issued by such company. If a company makes no such election, the operative date of this subsection for such company shall be January 1, 1968.

SEC. 3. Section 10489.2 of said code is amended to read:

10489.2. The minimum standard for the valuation of all such policies and contracts shall be the commissioners reserve valuation method defined in Section 10489 3, three and one-half percent (3½%) interest, and the following tables:

(a) For all ordinary policies of life insurance issued on the standard basis, excluding any disability and accidental death benefits in such policies—the Commissioners 1941 Standard Ordinary Mortality Table for such policies issued prior to the operative date of subsection (a) of Section 10163.5, and the Commissioners 1958 Standard Ordinary Mortality Table for such policies issued on or after such operative date; provided, however, that for any category of such policies issued on female risks modified net premiums and present values, referred to in Section 10489.3, may be calculated, at the option of the insurer, according to an age not more than three years younger than the actual age of the insured.

(b) For all industrial life insurance policies issued on the standard basis, excluding any disability and accidental death benefits in such policies—the 1941 Standard Industrial Mortality Table for such policies issued prior to the operative date of subsection (b) of Section 10163.5, and the Commissioners 1961 Standard Industrial Mortality Table for such policies issued on or after such operative date.

(c) For individual annuity and pure endowment contracts, excluding any disability and accidental death benefits in such policies—the 1937 Standard Annuity Mortality Table or, at the option of the company, the Annuity Mortality Table for 1949, Ultimate, or any modification of either of these tables approved by the commissioner.

(d) For group annuity and pure endowment contracts, excluding any disability and accidental death benefits in such policies—the Group Annuity Mortality Table for 1951, any modification of such table approved by the commissioner, or, at the option of the company, any of the tables or modifications of tables specified for individual annuity and pure endowment contracts.

(e) For total and permanent disability benefits in or supplementary to ordinary policies or contracts—for policies or contracts issued on or after January 1, 1966, the tables of Period 2 disablement rates and the 1930 to 1950 termination rates of the 1952 Disability Study of the Society of Actuaries, with due regard to the type of benefit; for policies or contracts issued on or after January 1, 1961, and prior to January 1, 1966, either such tables or, at the option of the company, the Class (3) Disability Table (1926); and for policies issued prior to January 1, 1961, the Class (3) Disability Table (1926). Any such table shall, for active lives, be combined with

a mortality table permitted for calculating the reserves for life insurance policies.

(f) For accidental death benefits in or supplementary to policies—for policies issued on or after January 1, 1966, the 1959 Accidental Death Benefits Table; for policies issued on or after January 1, 1961, and prior to January 1, 1966, either such table or, at the option of the company, the Inter-Company Double Indemnity Mortality Table; and for policies issued prior to January 1, 1961, the Inter-Company Double Indemnity Mortality Table. Either table shall be combined with a mortality table permitted for calculating the reserves for life insurance policies.

(g) For group life insurance, life insurance issued on the substandard basis and other special benefits—such tables as may be approved by the commissioner.

CHAPTER 309

An act to maintain the Water Code by amending Sections 6501, 31006, 55153, and 60300, by amending and renumbering the heading of the Chapter 5 (commencing with Section 12880) of Part 6 of Division 6 that was added by Chapter 2052 of the Statutes of 1957, by repealing the Division 19 (commencing with Section 65000) that was added by Chapter 2019 of the Statutes of 1959, and by adding Part 7 (commencing with Section 12950) to Division 6, relating to water.

[Approved by Governor May 8, 1963. Filed with Secretary of State May 8, 1963.]

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

SECTION 1. Section 6501 of the Water Code is amended to read:

6501. The provisions for the installation of fishways over or around dams and for the protection and preservation of fish in streams obstructed by dams are contained in Chapter 3 (commencing with Section 5900), Part 1, Division 6 of the Fish and Game Code.

SEC. 2 The heading of the Chapter 5 (commencing with Section 12880) of Part 6 of Division 6 of said code that was added by Chapter 2052 of the Statutes of 1957 is amended and renumbered to read:

CHAPTER 6. STATE FINANCIAL ASSISTANCE FOR LOCAL PROJECTS

SEC. 3. Section 31006 of said code is amended to read:

31006. Any district formed under the County Water District Law may, by resolution of the board of the district spread on its minutes, change the name of the district.

Certified copies of the resolution changing the name of the district shall be recorded in the office of the county recorder of every county, included in whole or in part, in the district and sent to the department, California Districts Securities Commission, and Secretary of State.

SEC. 4. Section 55153 of said code is amended to read:

55153. If any of the protests against the formation of the district or against the proposed improvement is sustained, no further proceedings shall be had or taken pursuant to the petition, but a new petition for the same or a similar purpose may be filed at any time.

SEC. 5. Section 60300 of said code is amended to read:

60300. Not later than the second Tuesday in February each year the board shall order an engineering survey and report to be made regarding the ground water supplies of the district. The same shall include, among all other information and data which the board may require, the following:

(1) Records, data and other information for the consideration of the board in its determination of the annual overdraft;

(2) Records, data and other information for the consideration of the board in its determination of the accumulated overdraft as of the last day of the preceding water year;

(3) A report, with supporting data, as to the total production of ground water from the ground water supplies within the replenishment district during the preceding water year;

(4) A report, with supporting data, as to the changes during the preceding water year in the pressure levels or piezometric heights of the ground water contained within pressure-level areas of the replenishment district, and as to the effects thereof upon the ground water supplies within such replenishment district;

(5) An estimate of the annual overdraft for the current water year and for the ensuing water year;

(6) An estimate of the accumulated overdraft as of the last day of the current water year;

(7) An estimate of the total production of ground water from the ground water supplies within the replenishment district for the current water year and for the ensuing water year;

(8) An estimate of the changes during the current water year in the pressure levels or piezometric heights of the ground water contained within pressure-level areas of the replenishment district, and of the effects thereof upon the ground water supplies within such replenishment district;

(9) An estimate of the quantity, source, and cost of water available for replenishment of the ground water supplies during the ensuing water year under the provisions of Section 60315.

SEC. 6. The Division 19 (commencing with Section 65000) of said code that was added by Chapter 2019 of the Statutes of 1959 is repealed.

SEC. 7. Part 7 (commencing with Section 12950) is added to Division 6 of said code, to read:

PART 7. PROJECT COSTS FOR LOCAL GOVERNMENTAL SERVICES

12950. It is declared to be the responsibility of the State of California to assist local governments in providing certain essential services and facilities where water resource construction projects financed, in whole or in part, by the State or by the State jointly with the federal government create an undue burden on a local area's ability to provide these services and facilities. State responsibility for providing financial assistance under such circumstances includes the following: police and fire protection, public health and hospitals, sanitation, emergency and indigent relief, and such other activities for which there is a demonstrated urgent need and which are approved by the State Department of Finance and the State Department of Water Resources.

12951. State expenditures and loans for aid to local governments provided in accordance with the provisions of this part are a part of the project cost of the project giving rise to the creation of the impact area.

12952. The Governor may designate, from time to time, and may revoke previous designations of, the area within a 20-mile airline radius of the site of principal construction of any water construction project undertaken by the State as an impact area when:

(a) He is requested to do so by the county board of supervisors or the city council of any county or city within the impact area; and

(b) He finds that:

(1) Such construction will cause a sudden influx of people into the impact area.

(2) The construction will require more than 12 months to complete.

(3) The construction will result in serious fiscal problems to the affected local governments.

(4) Peak construction employment on the project within the impact area is estimated by the Department of Water Resources to total more than 500 employees.

(5) The increase in population in the impact area, found by multiplying such peak construction employment as estimated by the Department of Water Resources by 4.5, equals at least 20 percent of the estimated population in the area on July 1st of the year prior to the date that construction was started. At any time that the increase in population falls below 20 percent of the estimated population of the area, the designation shall terminate as of the following June 30th. All population data are to be determined by the Department of Finance.

12953. For the purposes of this part the Department of Water Resources shall designate the site of principal construc-

tion of every water construction project undertaken by the State, and the date construction was started.

12954. As used in this part, "peak employment" means the largest number of persons employed in any one year at a site of principal construction and at such other sites as may be related directly thereto within the impact area by the Department of Water Resources, contractors and subcontractors in connection with the construction project.

12955. Requests by any city, county, or district to have an area designated an impact area may be made at any time after the authorization of a water resources project by the Legislature. Except with respect to assistance during the first year of construction or during the first year after enactment of a law providing state aid, requests for financial assistance under provisions of this part shall be made at least six months prior to the beginning of the fiscal year for which the assistance is requested.

12956. When an impact area has been designated by the Governor the State will pay:

(a) The increased operating expenses necessitated by population increase within the impact area for maintenance of police and fire protection, public hospitals, public health and sanitation and such other activities as may be approved by the Department of Finance and the Department of Water Resources at the same level of service as prevailed within or for the impact area prior to the start of the construction. A subsequent increase in the level of a specific service may be approved by the State Department of Finance. Level of service shall be measured by the ratio of personnel or facilities serving the impact area to the total population within the same area. The portion of the construction-generated population expected to reside within the impact area shall be estimated by the Department of Water Resources for each fiscal year in which the State provides financial assistance under this part to any governmental agency.

(b) Seventy-five percent of the increased cost to the county of emergency and indigent relief provided by the county under the provisions of Chapter 2 (commencing at Section 2500) of Division 4 of the Welfare and Institutions Code at standards that existed prior to the start of construction. An increase in such standards may be approved by the State Department of Finance. The State will also pay all necessary increased costs resulting from personnel, office, and automobile expenses created by an increase in the emergency and indigent caseload, as determined by the Department of Finance.

12957. Funds for capital outlay expenditures for police and fire protection, essential health services, and water and sewerage systems required to serve the expanded population in the impact area may be provided to any city, county, or district rendering, in whole or in part, any of the services described in Section 12950, upon their application under either

or both of the following options to be exercised by the local governing bodies:

(a) A loan by the State to the local agency for all or any part of such expenditures; such loans to be entirely repaid within 30 years at a rate of interest one-quarter of 1 percent higher than the interest cost to the State for long-term loans at the time of the loan.

(b) Direct state expenditures to meet all or any part of such needs. Direct state expenditures shall be for temporary facilities which shall be dismantled upon completion of the water project construction.

12958. Upon the designation of an impact area by the Governor, the State Department of Finance shall recommend the appropriation of funds and the division of state assistance among the local governments in the impact area. For this purpose the State Department of Finance shall be given access to such records and documents as may be necessary to accomplish this objective by the affected local governments.

12959. Notwithstanding any other provision of this part, except as to projects constructed by the Department of Water Resources, the maximum amount of money paid under this part shall not exceed that proportion of the total cost of the needed assistance as the amount of the State's financial participation in a project bears to the total cost of the project.

12960. When certified by the Department of Water Resources, claims of local agencies for state financial assistance shall be presented to the State Controller for payment out of funds made available therefor. The State Controller shall make such audit as he deems necessary, before or after disbursement, for the purpose of determining that any money received by any city, county, or district as state financial assistance hereunder has been expended for the purposes and under the conditions authorized under this division.

12961. This part shall be known, and may be cited, as the Byrne Act.

CHAPTER 310

An act to amend Section 2735.5 of the Unemployment Insurance Code, relating to unemployment disability insurance.

[Approved by Governor May 8, 1963. Filed with Secretary of State May 8, 1963.]

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

SECTION 1. Section 2735.5 of the Unemployment Insurance Code is amended to read:

2735.5. No claim of overpayment shall be based upon the disallowance by the Industrial Accident Commission of a claim of lien filed under Section 4903 of the Labor Code, or the

allowance of such lien for less than the amount claimed, or upon the approval by the said commission of a compromise and release agreement providing for the allowance of such lien in an amount less than the claim.

CHAPTER 311

An act to maintain the Revenue and Taxation Code by amending and renumbering Section 24406 (as added by Chapter 846, Statutes of 1961) thereof, relating to the computation of net income under the Bank and Corporation Tax Law.

[Approved by Governor May 8, 1963. Filed with Secretary of State May 8, 1963]

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

SECTION 1. Section 24406 (as added by Chapter 846, Statutes of 1961) of the Revenue and Taxation Code is amended and renumbered to read:

24409. The organizational expenditures of a bank or corporation may, at the election of the bank or corporation (made in accordance with regulations prescribed by the Franchise Tax Board), be treated as deferred expenses. In computing net income, such deferred expenses shall be allowed as a deduction ratably over such period of not less than 60 months as may be selected by the bank or corporation (beginning with the month in which the bank or corporation begins business).

CHAPTER 312

An act to amend Section 2208, amend and renumber Section 5781.10, and repeal Section 5783.7, as added by Chapter 2181, Statutes of 1959, of the Public Resources Code, relating to natural resources.

[Approved by Governor May 8, 1963. Filed with Secretary of State May 8, 1963]

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

SECTION 1. Section 2208 of the Public Resources Code is amended to read:

2208. The State Geologist or a qualified assistant may at any time enter or examine any and all mines, quarries, wells, mills, reduction works, refining works, and other mineral properties or working plants in this State in order to gather data to comply with the provisions of this chapter.

SEC. 2. Section 5781.10 of said code is amended and renumbered to read:

5783.7. If on the 60th day prior to a general district election only one person has been nominated for each of the positions to be filled at that election or no person has been nominated for any such office or offices, and a petition signed by five percent (5%) of the voters requesting that the election be held has not been presented to the district board by the 40th day prior to the election, an election shall not be held.

SEC. 3. Section 5783.7 of said code, as added by Chapter 2181, Statutes 1959, is repealed.

CHAPTER 313

An act to maintain the Insurance Code by amending Sections 1620.7, 1821, 10176.1, and 10203.55 thereof, relating to insurance regulations.

[Approved by Governor May 8, 1963. Filed with Secretary of State May 8, 1963.]

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

SECTION 1. Section 1620.7 of the Insurance Code is amended to read:

1620.7. This article (commencing with Section 1620.1) may be cited as the Unauthorized Insurers False Advertising Process Act.

SEC. 2. Section 1821 of said code is amended to read:

1821. A license shall not be refused by the commissioner without proceedings in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, being initiated within 60 days from the date of filing the completed application.

The provisions of Sections 1724.5, 1733, 1734, 1735 and Articles 6 and 13 of Chapter 5 of this part are applicable to persons licensed under this chapter and the words "insurance agent" or "licensee" used in those provisions include persons licensed under this chapter.

SEC. 3. Section 10176.1 of said code is amended to read:

10176.1. All disability insurance policies issued or renewed on and after September 18, 1959 shall be construed to be in compliance with Section 10176 as amended by Chapter 138, Statutes of 1959, and further amended by Section 1 of Chapter 2000, Statutes of 1961, and any provision in such policies in conflict therewith shall be of no effect.

SEC. 4. Section 10203.55 of said code is amended to read:

10203.55. An agricultural or horticultural loan commitment as used in Section 10203.5 and in Article 5.9 (commencing with Section 779.1), Chapter 1, Part 2, Division 1 means a binding agreement to loan money up to a fixed amount as

needed for agricultural or horticultural purposes, which commitment is issued by:

(1) A national or state commercial bank; or

(2) A federal intermediate credit bank or a production credit association organized under the Farm Credit Act of 1933, as amended;

lawfully operating in this State

CHAPTER 314

An act to maintain the Harbors and Navigation Code by amending Section 1912, relating to the San Francisco Port Authority.

[Approved by Governor May 8, 1963. Filed with Secretary of State May 8, 1963.]

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

SECTION 1. Section 1912 of the Harbors and Navigation Code is amended to read:

1912. Except with the permission of, and subject to such conditions and regulations as are imposed, pursuant to this section, by the board, it is a misdemeanor:

1. To park or leave standing any vehicle or animal, whether attended, or unattended, upon any property under the control and jurisdiction of the board or upon any thoroughfare located on such property.

2. To drive any vehicle or animal upon any wharf, bulkhead wharf, pier, quay, or storage area, within the control and jurisdiction of the board; except that signs indicating restrictions on such driving must be posted and clearly visible at the entrance from any thoroughfare or street to such wharf, bulkhead wharf, pier, quay, or storage area.

The provisions of Section 41102 of the Vehicle Code shall apply with respect to violation of any such condition or regulation relating to the standing or parking of vehicles.

Whenever any peace officer or officer or employee authorized thereto by the board finds any vehicle unattended and standing or parked in violation of conditions or regulations imposed by the board under this section, such officer or authorized employee may provide for the removal of such vehicle to the nearest garage or other place of safety.

The board may contract with the City and County of San Francisco for the furnishing by the city and county to the board of the services of policemen of the city and county for police protection and traffic control. The board may pay the city for such services in co-operation with the San Francisco Police Department.

In addition to the amounts which may be collected for the purposes specified in this part by the board, there shall be

collected an amount sufficient to carry out the provisions of this section.

Such conditions and regulations shall be filed and available for public inspection at the office of the board and shall be filed as provided in Section 11381 of the Government Code.

The board shall erect or place appropriate signs giving notice of any special conditions or regulations that may be imposed hereunder, or in lieu thereof may mark curbs to indicate such conditions or regulations in the manner provided in Section 21458 of the Vehicle Code.

CHAPTER 315

An act to maintain the Fish and Game Code by amending Section 1352 and repealing Section 7152, relating to wildlife restoration and the taking of fish and game by members of the armed forces.

[Approved by Governor May 8, 1963. Filed with Secretary of State May 8, 1963.]

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

SECTION 1. Section 1352 of the Fish and Game Code is amended to read:

1352. The money in the Wildlife Restoration Fund, as provided for by Section 19632 of the Business and Professions Code, is available for expenditure under any provision of this chapter.

SEC. 2. Section 7152 of said code is repealed.

CHAPTER 316

An act to maintain the Financial Code by amending Section 1357, and by repealing Sections 5056.5, 5701, Chapter 5.5 (commencing with Section 6050) of Part 1 of Division 2, as added by Chapter 871 of the Statutes of 1961, and Section 6510.5 as added by Chapter 561 of the Statutes of 1961, relating to savings and loan associations.

[Approved by Governor May 8, 1963. Filed with Secretary of State May 8, 1963.]

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

SECTION 1. Section 1357 of the Financial Code is amended to read as follows:

1357. An amount not exceeding in all 20 percent of the bank's savings deposits in (a) the bonds or other evidences of indebtedness of, or which are unconditionally guaranteed

by, the Dominion of Canada or any state of the United States other than California, for the payment of both principal and interest of which in United States' dollars the faith and credit of such dominion, territory, or state are pledged; (b) in limited obligations of any state of the United States, other than California, payable only from special taxes which are pledged to the payment of principal and interest of such limited obligations; and (c) in the bonds or other evidences of indebtedness of any city, county, political subdivision, public corporation, or district (herein referred to generally as public corporations) of any state of the United States other than California having the power without limit as to rate or amount to levy taxes to pay the principal and interest of such bonds upon all property within its boundaries subject to taxation by such public corporation; provided:

(a) An amount exceeding 25 percent of the paid-up capital and surplus of the savings bank or 1 percent of the savings deposits of the bank, whichever is greater, may not be invested in the bonds or other obligations of any one state other than California, or in the bonds of the Dominion of Canada, or in the bonds of any one public corporation located in a state other than California;

(b) In the case of bonds constituting general obligations of any such state, territory or dominion, such state, territory or dominion has not within 10 years prior to such investment defaulted for a period of more than 90 days in the payment of any part of either principal or interest of any of its debts;

(c) In the case of such limited obligations of any such state, (1) that such state has not within 10 years prior to the date of such investment defaulted for a period of more than 90 days in the payment of either principal or interest of any of its debts; (2) the special taxes pledged for the payment of such limited obligations shall have been collected for five fiscal years next preceding any investment and during said five fiscal years shall have averaged at least one and one-half times the debt service requirements, including those for principal, interest, and sinking fund, on all such special obligations existing at the time; and (3) such special taxes for each of said five fiscal years shall have equaled at least the amount of all such debt service requirements on such special obligations; and

(d) In the case of bonds or other evidences of indebtedness of any such public corporation of any state other than California:

(1) Such public corporation has had a corporate existence or been otherwise established and functioning for at least 10 years prior to the time of such investment;

(2) Such public corporation has a population of at least 50,000 inhabitants according to the last federal or state census;

(3) Such public corporation for a period of at least 10 years prior to such investment has not defaulted in the payment of any part of the principal or interest of any of its debts for a period of more than 90 days; and

(4) The net direct debt together with the net overlapping debt of such public corporation does not exceed 10 percent of the assessed valuation of the property subject to taxation by such public corporation according to the last official equalized assessment roll or list upon the basis of which taxes for debt service are based.

SEC. 2. Section 5056.5 of said code as added by Chapter 871 of the Statutes of 1961 is repealed.

SEC. 3. Section 5701 of said code as added by Chapter 871 of the Statutes of 1961 is repealed.

SEC. 4. Chapter 5 5 (commencing with Section 6050) of Part 1 of Division 2 of said code, as added by Chapter 871 of the Statutes of 1961, is repealed.

SEC. 5. Section 6510 5 of said code as added by Chapter 561 of the Statutes of 1961 is repealed.

CHAPTER 317

An act to maintain the Education Code by amending Sections 857, 957, 960, 962, 963, 964, 6652, 6911, 10652, 12408, 12901, 13528, 13554, 15831, 17306, 17703, 19418, 19505, 19632, 20303, 20304, 22601 5, 25392 and 29057, amending and renumbering Section 817 as added by Chapter 1133 of the Statutes of 1959, Sections 13188, 13193, and 13194 all added by Chapter 848 of the Statutes of 1961, and 16864, thereof, relating to institutions of learning, including their establishment, maintenance, government, and operation.

[Approved by Governor May 8, 1963 Filed with Secretary of State May 8, 1963]

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

SECTION 1. Section 817 of the Education Code, as added by Chapter 1133 of the Statutes of 1959, is amended and renumbered to read:

818. Whenever by this code the county superintendent of schools is authorized or required to prepare for, hold or conduct any election in or for any public school district, such county superintendent may contract with the county clerk, or with the registrar of voters if such office has been established in the county, for the performance under the supervision of such county superintendent of any or all of the duties incident to the preparation for and holding of such.

The governing board of a school district may contract with the county clerk, or with the registrar of voters if such office has been established in the county, for the performance under the supervision of the governing board of any or all duties incident to the holding or conducting of an election in the district for the issuance and sale of bonds of the district pursuant to Section 21701.

SEC. 2. Section 857 of said code is amended to read:

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

SEC. 3. Section 957 of said code is amended to read:

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

DECLARATION OF CANDIDACY BY SPONSORS

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

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

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

Name	Residence	Occupation
_____	_____	_____
_____	_____	_____
_____	_____	_____.

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

_____

Signature of proposed candidate"

SEC. 4. Section 960 of said code is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 5. Section 962 of said code is amended to read:

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

SEC. 6. Section 963 of said code is amended to read:

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

SEC. 7. Section 964 of said code is amended to read:

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

SEC. 8. Section 6652 of said code is amended to read:

6652. The terms and provisions of Article 16 (commencing with Section 900) of Chapter 2 of Part 1 of Division 2 and Section 579 of the Welfare and Institutions Code shall, so far as applicable, govern and control proceedings under this article.

SEC. 9. Section 6911 of said code is amended to read:

6911. In lieu of entering into an agreement for the transportation of mentally retarded minors by the school district or county superintendent of schools, in the special training schools and classes of which the education of such minors is provided under Section 6910 or 8953, the school district or county superintendent of schools of the county required to provide for their education may provide such transportation.

SEC. 10. Section 10652 of said code is amended to read:

10652. No state-owned college, university, or other school shall charge any tuition, or incidental fees to any dependent receiving assistance under Division 4, Chapter 4, Article 2 of the California Military and Veterans Code or to any child of any veteran of the United States military service who has a service-connected disability, and whose annual income not including governmental compensation for such service-connected disability, does not exceed three thousand dollars ($3,000). Nothing contained in this section shall prevent the Regents of the University of California from charging to and collecting from nonresident students an admission fee and rate of tuition nor shall anything in this section prevent the charging and collecting of fees required of nonresident students admitted to schools under the jurisdiction of the Department of Education or the Director of Education or to a state college under the jurisdiction of the Trustees of the California State Colleges.

SEC. 11. Section 12408 of said code is amended to read:

12408. If any child in any district of a county is an habitual truant, or is irregular in attendance at school, as defined in this article, or is habitually insubordinate or disorderly during attendance at school, the county superintendent of schools shall request a petition on his behalf in the juvenile court of the county.

SEC. 12. Section 12901 of said code is amended to read:

12901. Unless the context otherwise requires, the definitions set forth in Sections 12901 to 12913, inclusive, shall govern the construction of this part.

SEC. 13. Section 13188 of said code, as added by Chapter 848 of the Statutes of 1961, is repealed.

SEC. 14. Section 13193 of said code, as added by Chapter 848 of the Statutes of 1961, is repealed.

SEC. 15. Section 13194 of said code, as added by Chapter 848 of the Statutes of 1961, is repealed.

SEC. 16. Section 13528 of said code is amended to read:

13528. Whenever a person is employed by two or more districts under the jurisdiction of a single county superintendent of schools, the governing boards of the districts may authorize, in writing, the county superintendent of schools to act as their agent in the payment of the salaries due such person from the districts. If such authorization is given, the county superintendent of schools may draw a warrant on the county school service fund in payment of the total salaries due such person and shall immediately draw requisitions in favor

of the county school service fund against the proper funds of each district for the amount paid by him to such person on account of such district.

SEC. 17. Section 13554 of said code is amended to read:

13554. Every probationary employee of a school district which becomes in its entirety a part of a unified school district and every probationary employee of a school district employed in a school located in a portion of a school district which becomes a part of a unified school district, where the whole of the district does not become a part of a unified school district, shall become a probationary employee of the unified school district. The service of the probationary employee in the annexed district shall be considered as service in the unified school district for the purpose of any law relating to the classification of persons employed in school districts in positions requiring certification qualifications.

SEC. 18. Section 15831 of said code is amended to read:

15831. The governing board of any school district with an average daily attendance of 50,000 or more may establish a security patrol and employ, in accordance with the provisions of Chapter 3 (commencing with Section 13580) of Division 10 such personnel as may be necessary to ensure the security of the real and personal property of the school district and to cooperate with local law enforcement agencies in all matters involving the security of the property of the school district. It is the intention of this provision that a school district security patrol shall be supplementary to city and county law enforcement agencies and shall under no circumstances be vested with general police powers.

SEC. 19. Section 16864 of said code is repealed.

SEC. 20. Section 17306 of said code is amended to read:

17306. If any amount is appropriated by the Legislature in augmentation of any of the purposes set forth in the schedule in Section 17303, the amounts allowed for such purpose to districts and funds under Sections 11256, 11257, and 17251, Sections 17401 to 17417, inclusive, and Sections 17601 to 18460, inclusive, shall not exceed the amount computed under the formula or provisions of Sections 11256, 11257, and 17251, Sections 17401 to 17417, inclusive, and Sections 17601 to 18460, inclusive, for such purpose. If the amount in the schedule plus the amount appropriated in augmentation exceeds the total of the amounts so computed for such purpose for all districts and funds, the excess shall be allowed pursuant to Section 18460 for purposes specified in subdivisions (a), (b), (c), (d), (e), and (f) of Section 17303.

SEC. 21. Section 17703 of said code is amended to read:

17703. (a) Upon request of the district, the Superintendent of Public Instruction shall use in computing district aid under Section 17702 the difference between the total assessed valuation of property in a district as shown on the equalized assessment roll for the preceding fiscal year and the assessed valuation of property as shown on the equalized assessment roll for

the preceding fiscal year, in excess of 2 percent of such total assessed valuation, with respect to which revenues of the district taxes levied in the 1954-1955 fiscal year, or thereafter, have been impounded by the county auditor pursuant to Section 20901.

(b) Whenever, after July 1, 1955, the county auditor notifies the Superintendent of Public Instruction and the Controller of the release of impounded tax revenues to the school district, the Superintendent of Public Instruction shall compute and certify to the Controller the amount to be deducted, and the Controller shall deduct, from the apportionment or apportionments from the State School Fund to the district, in the first fiscal year or the second fiscal year succeeding such notification of release, that amount apportioned to the district in any prior year or years by reason of the exclusion of assessed valuation with respect to tax revenues impounded and thereafter released.

(c) If a request is received from a school district and the assessed valuation of the district is reduced pursuant to subdivision (a) hereof, Section 17416 shall not apply with respect to any tax revenues to which subdivision (a) applies.

The provisions of this section shall not apply to impounded tax receipts derived from assessment of water, where the procedures of Section 17704 have been utilized.

SEC. 22. Section 19418 of said code is amended to read:

19418. With respect to any apportionment made to a school district prior to the effective date of the amendment of Section 5046, the predecessor of Section 19407, made by Chapter 16 of the Statutes of 1950 (Third Extraordinary Session), the board may, on the application of the governing board of said district make additional apportionments to the school district for the purchase of such furniture as is authorized by Section 19407. An apportionment made under this section shall be final if the original apportionment has become final; otherwise it shall become final if and when the original apportionment becomes final.

All provisions of this chapter (Sections 19104 to 19186, inclusive) shall apply to apportionments made under this section, except Sections 19414, 19422, 19423, and 19426, exclusive of the second paragraph of said Section 19426, and such other provisions as may relate to applications and eligibility for apportionments.

SEC. 23. Section 19505 of said code is amended to read:

19505. All money deposited in the Public School Building Loan Fund under Sections 19436, 19453, 19454, and 19455 shall be available only for transfer to the General Fund, as provided in Section 19504. When transferred to the General Fund, such money shall be applied as a reimbursement to the General Fund on account of principal and interest due and payable or paid from the General Fund on the earliest issue of school building bonds for which the General Fund has not been fully reimbursed by such transfer of funds.

SEC. 24. Section 19632 of said code is amended to read:

19632. Whenever a school district receives or has received an apportionment for or toward the purchase or improvement of realty or personalty (hereafter referred to as "property") and within five years from the date of the written authorization from a duly authorized representative of the board for the expenditure therefor from state funds or from contributable district funds, sells, leases, exchanges or otherwise disposes of such property or any portion thereof without the consent of the board, the board may demand the return of the state apportionment or such portion thereof it deems proper, plus accrued interest at the prescribed rate, less any repayment made prior to such demand by the district on account of said apportionment. A district may not at any time while an apportionment remains unpaid or noncanceled, dispose of any property acquired therefrom without the consent of the board, excepting transfers provided for by Article 6, Chapter 2, Division 12 of the Education Code, and existing improvements on an acquired site. Such consent may be subject to such conditions as may be imposed, which may include the application of the consideration received in reduction of any apportionments previously made to the district. Any property into which the consideration from such disposition is converted shall be and remain the property of the State as if an apportionment had originally been authorized therefor.

Whenever, in the judgment of the board, a district fails to use property for the purpose or purposes for which an apportionment has been made, within not less than one nor more than five years from the aforesaid authorization, as the board shall determine, the board may demand back the return of the apportionment, or portion thereof, with interest, as specified in the preceding paragraph. The board's interpretation of such "use" in any instance, and whether or not the district has complied therewith, shall be conclusive upon the district affected after a hearing and finding of the board. In addition to the foregoing, the board may at any time subsequent to the expiration of the last mentioned period, while an apportionment remains unpaid or uncanceled, determine that a site or portion thereof, purchased in whole or in part with said apportionment is not being used for the purpose or purposes for which such apportionment was made, which determination shall be conclusive upon the district after a hearing and finding of the board. Pursuant to such determination, the board may direct the sale or other disposition of such site or portion thereof by the State or by the district and apply the proceeds, after deducting expenses it determines necessary to facilitate such disposition, in reduction of said apportionment, plus accrued interest. Any excess shall be applied in reduction of any other unpaid or noncanceled apportionments, plus interest, as the board shall direct, any remaining proceeds thereafter being payable to the district. For the purposes of such

determination of disposition, the district shall, whenever directed by the board, convey record title to such site or portion thereof to the State and/or do any other acts deemed necessary by the board to facilitate such disposition or implement the terms thereof. Any disposition authorized to be made hereunder by the district shall be made in accordance with the procedure prescribed by the Education Code for the disposition of unneeded school property, otherwise as directed by the board, provided that the consideration to be received shall be subject to the approval of the board or its delegate for that purpose.

Written notice of any demand prescribed by this section, setting forth the amount due the State pursuant thereto, shall be furnished by the board to the governing board of the school district, the county superintendent of schools, the county auditor, the county treasurer of the county whose county has jurisdiction over the school district, and the State Controller. Upon receipt of such notice and demand, the governing board of the school district shall, at the time of the next county settlement following receipt of such notice, order the county treasurer to pay to the State Treasurer, out of any moneys in the county treasury available to the school district for that purpose, the amount set forth in such notice. Such amount shall, upon order of the State Controller, be deposited in the State Treasury to the credit of the State School Building Aid Fund, to be reapportioned by the board.

Whenever a school district receives or has received an apportionment under this chapter for the purchase of a site which contains existing improvements, the board may require the district to dispose of such existing improvements as a condition of receiving an apportionment in such manner as the board deems proper, and contribute the net proceeds therefrom or the value of any consideration received therefor, in reduction of any apportionment. In the event that the district is not so required to dispose of such existing improvements but after receiving such apportionment subsequently disposes thereof, the net proceeds therefrom or the value of the consideration received therefor, shall be contributed by the district in reduction of any remaining indebtedness to the State under this chapter or Chapter 8 (commencing with Section 19401) of this division of the Education Code.

Where a district has been unable to use any building site acquired by an apportionment under this chapter because of the delay of the board in acting upon its application for an apportionment for the planning and construction of school buildings on such site, the board may withhold demand for repayment of the apportionment for such building site for a period of not less than one or more than three years after approval of the apportionment for planning and construction.

It shall be the duty of such governing body and county treasurer to make the payments to the State Treasurer as pro-

vided in this section, and it shall be the duty of the State Controller to enforce such collection on behalf of the State.

Whenever the consent of the board is required in this section, it may be given by written authorization of its authorized representative for that purpose. The provisions of this section, including the term "apportionment" or "apportionments," shall be deemed to be applicable to apportionments heretofore or hereafter made under this chapter or Chapter 8 (commencing with Section 19401) of this division.

SEC. 25. Section 20303 of said code is amended to read:

20303. The county superintendent of schools of each county may make temporary transfers from the county school service fund of his county in such amounts and at such times as he deems necessary to meet expenses incurred with the approval of the Superintendent of Public Instruction for the education and care of Indian children attending the public schools of the county. The amounts transferred shall be repaid to the county school service fund from the apportionments of federal funds subsequently received in the county Indian school reimbursement fund.

SEC. 26. Section 20304 of said code is amended to read:

20304. Such portion of the money received in the county Indian school reimbursement fund as is not required for repayment of temporary transfers made from the county school service fund may be expended by the county superintendent of schools for the education and care of Indian children attending the public schools of the county in accordance with the provisions of a contract between the State Department of Education and the federal government and subject to the approval of the Superintendent of Public Instruction.

SEC. 27. Section 22601.5 of said code is amended to read:

22601.5. Commencing on March 1, 1961, the terms of the appointive trustees shall be eight years, except that the 16 appointive trustees serving on February 28, 1961, shall have new terms of office which they shall classify by lot so that two of the terms of such appointive members shall expire on the first day of March of each calendar year commencing in 1962 and ending in 1969.

SEC. 28. Section 25392 of said code is amended to read:

25392. Any subcontractor or agent or employee of any contractor or subcontractor, who has knowledge of any work being done in violation of any contract under this chapter and does not immediately notify the trustees or the inspector or resident engineer upon the project of the violation, is guilty of a felony.

SEC. 29. Section 29057 of said code is amended to read:

29057. Bylaws may be adopted and amended by the trustees except as otherwise provided in the articles or the bylaws. The bylaws may set forth the particular officers or persons in the grand lodge, conference, assembly, or other legislative or representative head entitled to vote as members

of the corporation, and also the manner and method by which the voting is had. The bylaws may limit or restrict the power of the trustees to adopt, amend, or repeal bylaws. After the limitation or restriction is made it shall be complied with unless it is removed with the consent of the officers or persons entitled to vote as members. Where applicable the provisions of Section 9400 to 9404, inclusive, of the Corporations Code apply to the bylaws.

CHAPTER 318

An act to amend Section 12912 of the Education Code, relating to sex offenses.

[Approved by Governor May 8, 1963. Filed with Secretary of State May 8, 1963.]

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

SECTION 1. Section 12912 of the Education Code is amended to read:

12912. "Sex offense" as used in Sections 13130, 13207, 13218, 13255, and 13586 means any one or more of the offenses listed below:

(a) Any offense defined in Sections 266, 267, 285, 286, 288, 288a, 647a, subdivision 3 or 4 of Section 261, or subdivision (a) or (d) of Section 647 of the Penal Code.

(b) Any offense defined in former subdivision 5 of former Section 647 of the Penal Code repealed by Chapter 560 of the Statutes of 1961, or any offense defined in former subdivision 2 of former Section 311 of the Penal Code repealed by Chapter 2147 of the Statutes of 1961 if the offense defined in such sections was committed prior to September 15, 1961, to the same extent that such an offense committed prior to such date was a sex offense for the purposes of this section prior to September 15, 1961.

(c) Any offense defined in Section 314 of the Penal Code committed on or after September 15, 1961.

(d) Any offense defined in former subdivision 1 of former Section 311 of the Penal Code repealed by Chapter 2147 of the Statutes of 1961 committed on or after September 7, 1955, and prior to September 15, 1961.

(e) Any offense involving lewd and lascivious conduct under Section 272 of the Penal Code committed on or after September 15, 1961.

(f) Any offense involving lewd and lascivious conduct under former Section 702 of the Welfare and Institutions Code repealed by Chapter 1616 of the Statutes of 1961 if such offense was committed prior to September 15, 1961, to the same extent that such an offense committed prior to such

date was a sex offense for the purposes of this section prior to September 15, 1961.

(g) Any attempt to commit any of the above-mentioned offenses.

(h) Any offense committed or attempted in any other state which, if committed or attempted in this State, would have been punishable as one or more of the above-mentioned offenses.

CHAPTER 319

An act to maintain the Business and Professions Code by amending Sections 3151, 19632, 20853, 23108, and 24206 thereof, by amending and renumbering Sections 1293 as added by Chapter 824 of the Statutes of 1961, and 6534.9 as added by Chapter 1478 of the Statutes of 1961, thereof, and by repealing Sections 23.8 as added by Chapter 1821 of the Statutes of 1961 and 23321.5, and Chapter 6 (commencing with Section 450; as added by Chapter 1821 of the Statutes of 1961) of Division 1, thereof, relating to licensed professions and business enterprises.

[Approved by Governor May 8, 1963. Filed with Secretary of State May 8, 1963.]

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

SECTION 1. Section 23.8 (as added by Chapter 1821 of the Statutes of 1961) of the Business and Professions Code is repealed.

SEC. 2. Chapter 6 (commencing with Section 450; as added by Chapter 1821 of the Statutes of 1961) of Division 1 of said code is repealed.

SEC. 3. Section 1293 (as added by Chapter 824 of the Statutes of 1961) of said code is amended and renumbered to read:

1294. A report of results issuing from a clinical laboratory shall show clearly the name of the director of the laboratory.

SEC. 4. Section 3151 of said code is amended to read:

3151. The Director of Professional and Vocational Standards shall, within 30 days prior to each general session of the Legislature, submit to the Governor a full and true report of transactions under this chapter during the current biennium, including a complete statement of receipts and expenditures during that period.

In addition, the Director of Professional and Vocational Standards, within 10 days after the beginning of each month, shall report to the State Controller all collections and receipts for the preceding month, and at the same time shall pay them into the Optometry Fund in the State Treasury.

SEC. 5. Section 6534.9 (as added by Chapter 1478 of the Statutes of 1961) of said code is amended and renumbered to read:

6534.5. In addition to the requirements contained in Section 6534.7, the board shall not issue a certificate of registration to operate a new barber college unless the applicant offers proof satisfactory to the board that there is in the county wherein the college is to be established a population of at least 500,000 for each barber college in operation in the county and an additional 500,000 or more for the new college. The board shall not issue a certificate to operate a new barber college in any city where the ratio of the population of the city is less than 150,000 for each such college.

SEC. 6. Section 19632 of said code is amended to read:

19632. All license fees for conducting horseracing meetings, other than those attributable to breakage, not payable into the Fair and Exposition Fund shall be paid as follows:

(a) During each fiscal year there shall be paid into the Wildlife Restoration Fund, which fund is hereby continued in existence, to carry out the provisions of the Wildlife Conservation Act of 1947, the sum of seven hundred fifty thousand dollars ($750,000).

(b) Except as otherwise provided by this article, the remainder shall be paid into the General Fund in the State Treasury.

SEC. 7. Section 20853 of said code is amended to read:

20853. The use of pumps or other devices which are capable of withdrawing gasoline from one tank containing gasoline and another tank containing motor oil and dispensing them as a single combined product and of withdrawing gasoline alone from the tank containing gasoline shall be authorized when the department determines that all of the following conditions exist:

(a) The device mechanism accurately measures the quantities being simultaneously withdrawn for dispensing as a combined product from each of the two tanks when the combined product is dispensed and the quantity being dispensed from the gasoline tank alone when gasoline alone is dispensed.

(b) The device mechanism accurately and visibly records and displays the ratio of gasoline to motor oil, the quantity of each ingredient being dispensed, the price per gallon for the gasoline being dispensed, and the price per quart for any motor oil being dispensed.

(c) The device mechanism prevents the changing of the ratio of gasoline to motor oil during dispensing.

(d) There is firmly attached to or painted upon the device mechanism a sign or label plainly visible consisting of the word or words in letters not less than one-half of an inch in

height "outboard motor fuel" together with the brand, trademark or trade name of such product, which word or words shall also be in letters of not less than one-half of an inch in height.

The provisions of this section shall not supersede any other provisions in this chapter, except that they shall supersede such other provisions including Sections 20782, 20783, 20840, 20846, 20849, 20850, 20851, and 20930 to the extent necessary to authorize the operation of the above-described blending type of pump connected to two tanks, one containing motor oil and the other gasoline, provided that the motor oil shall in its separate state meet the specifications for lubricating oil as required by Section 20800 and that the gasoline shall in its separate state meet the specifications for gasoline as required by Section 20780.

SEC. 8. Section 23108 of said code is amended to read:

23108. Licensees of other states may purchase bulk brandy produced in this State and stored in an internal revenue bonded warehouse in this State or may purchase warehouse receipts covering the brandy for storage in this State, and may subsequently, without obtaining any license therefor in this State, export the brandy in accordance with the rules prescribed by the department. The sale of brandy or warehouse receipts pursuant to this section by a taxpayer to the purchasing licensee of another state shall be exempt from the excise tax levied by Section 32201 of the Revenue and Taxation Code.

SEC. 9. Section 23321.5 of said code is repealed.

SEC. 10. Section 24206 of said code is amended to read:

24206. All accusations against licensees for violating or permitting the violation of Sections 24750 to 24757, inclusive, 24850 to 24881, inclusive, 25000 to 25010, inclusive, 25170 to 25238, inclusive, 25600, 25602, 25607, 25609, 25610, 25611, 25612, 25615, 25630, 25631, 25632, 25633, 25656, 25658, 25663, or 25664, shall be filed within one year.

CHAPTER 320

An act to maintain the Agricultural Code by repealing Section 260.85 as added by Chapter 22 of the 1959 Statutes, relating to bovine brucellosis.

[Approved by Governor May 8, 1963 Filed with Secretary of State May 8, 1963]

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

SECTION 1. Section 260.85 of the Agricultural Code as added by Chapter 22 of the Statutes of 1959 is repealed.

CHAPTER 321

An act to repeal Sections 1192.2 and 1192 3 of, and to add Section 1192.2 to, the Insurance Code, relating to leasehold interests as security for loans.

[Approved by Governor May 3, 1963 Filed with Secretary of State May 8, 1963]

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

SECTION 1. Section 1192.2 of the Insurance Code is repealed.

SEC. 2. Section 1192 2 is added to said code, to read:

1192.2. An insurer may lend on the security of a first lien on an unencumbered leasehold on real property if:

(a) The real property subject to the leasehold is primarily improved by a single family residence, the term of the loan does not exceed 30 years, and the amount of the loan plus the amount of the liens of any public bond, assessment or tax assessed upon the property loaned upon does not exceed 75 percent of the sound market value of the leasehold for loan purposes as determined by appraisal; or

(b) The real property subject to the leasehold is not primarily improved by a single family residence, the term of the loan does not exceed 30 years, and the amount of the loan plus the amount of the liens of any public bond, assessment or tax assessed upon the property loaned upon does not exceed 66⅔ percent of the sound market value of the leasehold for loan purposes as determined by appraisal; or

(c) Where the loan is a building loan, the principal so loaned plus the amount of the liens of any public bond, assessment or tax assessed upon the property subject to said leasehold at no time exceeds 75 percent if made upon the kind of property and improvements referred to in (a) above or if other than referred to in (a) above, at no time exceeds 66⅔ percent of the sound market value of the leasehold for loan purposes as determined by appraisal, including the actual cost of the improvements thereon taken as security; or

(d) The loan is fully guaranteed or fully insured or covered by a commitment to fully guarantee or fully insure by the United States, the Federal Housing Administrator, or by any other agency of the United States which the commissioner shall have approved for the purposes of this subdivision as an issuer of insurance or guarantees of loans on real property, whether the proceeds of the guarantee or insurance is payable in cash or in obligations of the United States; or

(e) The loan is fully guaranteed by the United States or any agency thereof pursuant to the "Servicemen's Readjustment Act of 1944" or any act of Congress supplementary or amendatory thereof, or, if a portion of the loan is so guaranteed, then if the unguaranteed portion of the loan does not

exceed 75 percent of the sound market value of the leasehold for loan purposes as determined by appraisal.

(f) In all cases mentioned in subsections (a), (b), (c) and (e), the loan must be repayable in equal installments not less often than annually in amounts sufficient to completely amortize the loan within three-fourths of the remaining term of the leasehold including options to renew exercisable by the lender.

A leasehold on real property is not encumbered within the meaning of this section if subject only to one or more of the following: (a) the lien of taxes and assessments not delinquent at the time of investment, (b) the lien for delinquent taxes or assessments delinquent at the time of investment, which are being contested by any legal proceedings, provided that indemnity has been given pursuant to the indenture under which the bonds and notes are issued, or otherwise, for the payment of any amount which may be found to be due upon the final adjudication of such contest, (c) the lien of taxes and assessment becoming delinquent subsequent to the time of investment, (d) outstanding mineral, oil or timber rights, (e) easements or rights-of-way, (f) sewer rights, (g) rights in walls, (h) building restrictions or other restrictive covenants, or conditions or regulations of use, or subleases under which rents or profits are reserved to the owner

For the purposes of this section, delinquent taxes funded on any deferred payment plan shall be deemed delinquent.

SEC. 3. Section 1192.3 of said code is repealed.

CHAPTER 322

An act to amend Section 25480 of the Government Code, relating to county purchases.

[Approved by Governor May 8, 1963 Filed with Secretary of State May 8, 1963]

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

SECTION 1. Section 25480 of the Government Code is amended to read:

25480. In any county which does not employ a purchasing agent the board of supervisors shall annually or at such lesser intervals as it deems appropriate advertise for at least 10 days in a newspaper of general circulation in the county for sealed bids for furnishing the county with stationery, clothing, bedding, groceries, provisions, drugs, medicines, and all other supplies. If there is no newspaper published in the county, notices calling for bids shall be posted in three public places in the county.

CHAPTER 323

An act to amend Section 21655 of the Vehicle Code, relating to slower moving vehicles.

[Approved by Governor May 8, 1963. Filed with Secretary of State May 8, 1963.]

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

SECTION 1. Section 21655 of the Vehicle Code is amended to read:

21655. (a) Whenever the State Department of Public Works or local authorities with respect to highways under their respective jurisdictions determines upon the basis of an engineering and traffic investigation that the designation of a specific lane or lanes for the travel of vehicles required to travel at reduced speeds would facilitate the safe and orderly movement of traffic, the department or local authority may designate specific lane or lanes for the travel of vehicles which are subject to the provisions of Sections 22406 through 22414, inclusive, and shall erect signs at reasonable intervals giving notice thereof.

(b) Any vehicle subject to the provisions of Sections 22406 through 22414, inclusive, shall be driven in the lane or lanes designated pursuant to subdivision (a) whenever signs have been erected giving notice of such designation.

When specific lane or lanes have not been so designated, any such vehicle shall be driven in the right-hand lane for traffic or as close as practicable to the right edge or curb, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway and when overtaking and passing another vehicle, shall use the lane to the immediate left of the right-hand lane for traffic, except when overtaking and passing to the right of another vehicle as permitted under the provisions of this code.

CHAPTER 324

An act to amend Section 2210 of the Business and Professions Code, relating to physician's and surgeon's certificates.

[Approved by Governor May 8, 1963. Filed with Secretary of State May 8, 1963.]

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

SECTION 1. Section 2210 of the Business and Professions Code is amended to read:

2210. An applicant may apply for a physician's and surgeon's certificate in accordance with this article, if he comes

within the provisions of this article and if his application is based on a commission as a medical officer:

(a) In the United States Army, Navy, Air Force, or Public Health Service, including a medical reserve corps of such services, providing the person applying on the basis of a reserve commission passed a written qualifying professional examination given by the service prior to the issuance of the reserve commission and served as a commissioned medical officer on active duty prior to December 31, 1953.

(b) In any of the armed forces of the United States during the period December 7, 1941, to December 31, 1946, and who was a bona fide resident of California at the time of entering the armed forces.

CHAPTER 325

An act to amend Section 40513 of the Vehicle Code, relating to giving of notice to appear.

[Approved by Governor May 8, 1963 Filed with Secretary of State May 8, 1963]

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

SECTION 1. Section 40513 of the Vehicle Code is amended to read:

40513. Whenever written notice to appear has been prepared, delivered, and filed with the court, or whenever notice has been given pursuant to the provisions of Section 41102, an exact and legible duplicate copy of the notice when filed with the magistrate, in lieu of a verified complaint, shall constitute a complaint to which the defendant may plead "Guilty."

If, however, the defendant violates his promise to appear in court or does not deposit lawful bail, or pleads other than "Guilty" of the offense charged, a complaint shall be filed which shall conform to the provisions of Chapter 2 (commencing with Section 948) of Title 5, Part 2 of the Penal Code, and which shall be deemed to be an original complaint, and thereafter proceedings shall be had as provided by law, except that a defendant may, by an agreement in writing, subscribed by him and filed with the court, waive the filing of a verified complaint and elect that the prosecution may proceed upon a written notice to appear.

CHAPTER 326

An act to amend Section 15802 of the Education Code, relating to school district property.

[Approved by Governor May 8, 1963 Filed with Secretary of State May 8, 1963]

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

SECTION 1. Section 15802 of the Education Code is amended to read:

15802. The governing board of any school district shall furnish, repair, insure against fire, and in its discretion rent the school property of its districts The governing board may also insure the property against other perils. The insurance shall be written in any admitted insurer, or in any nonadmitted insurer to the extent and subject to the conditions prescribed in Section 1763 of the Insurance Code. Insurance on property of a district may be, in the discretion of the governing board, of the deductible type of coverage, except that in districts with an average daily attendance of less than 50,000 the deductible amount of fire insurance shall not exceed one thousand dollars ($1,000) for each occurrence. If two or more school districts are governed by governing boards of identical personnel, the total average daily attendance of the districts shall be used. By deductible type of coverage is meant a form of insurance under which the insurance becomes operative when the loss and damage exceeds an amount stipulated in the policy or policies.

CHAPTER 327

An act to amend Section 14376 of the Education Code, relating to allowable annual earnings of substitute teachers.

[Approved by Governor May 8, 1963 Filed with Secretary of State May 8, 1963]

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

SECTION 1. Section 14376 of the Education Code is amended to read:

14376. Any person who retired for service may be employed as a substitute in a position requiring certification qualifications, or as a teacher in a rest home for the aged, or in a community center operated exclusively for the aged, for not to exceed 90 teaching days in any one fiscal year and may be paid not to exceed one thousand eight hundred dollars ($1,800) in any one fiscal year. Such employment shall not operate to reinstate the person as a member of this system, or to terminate or suspend his retirement allowance, and no deductions shall be made from his salary as contributions to this system. Such person may be re-employed only if able to

pass a physical examination prescribed by the State Board of Education.

A certificate from a physician or surgeon licensed under Chapter 5 (commencing at Section 2000) of Division 2 of the Business and Professions Code showing that he has submitted to and passed a physical examination within one year last past and filed with the county superintendent of schools shall be conclusive evidence of his passing the physical examination required by this section.

CHAPTER 328

An act to amend Section 440 of the Probate Code, relating to petition for letters of administration.

[Approved by Governor May 8, 1963. Filed with Secretary of State May 8, 1963]

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

SECTION 1. Section 440 of the Probate Code is amended to read:

440. A petition for letters of administration must be in writing, signed by the applicant or his counsel, and filed with the clerk of the court, and must state:

(1) The jurisdictional facts;

(2) The names, ages and post office addresses of the heirs of the decedent, so far as known to the applicant;

(3) The character and estimated value of the property of the estate.

Where the necessary jurisdictional facts actually exist but, through defect of form or error, they or any of them are incorrectly stated in any petition or pleading, the court has and retains jurisdiction to correct the defect or error at any time. No such defect or error shall make an order appointing an administrator or any subsequent proceeding void.

CHAPTER 329

An act to amend Sections 2047, 2048, 2857 and 2859 of, and to repeal Sections 2044, 2049, 2050, 2860 and 2861 of, the Water Code, relating to the recovery of State Water Rights Board expenses in court references and adjudications.

[Approved by Governor May 8, 1963 Filed with Secretary of State May 8, 1963]

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

SECTION 1. Section 2044 of the Water Code is repealed.

SEC. 2. Section 2047 of said code is amended to read:

2047. If no objection is filed with the court within the prescribed period, the court upon ex parte application of the

board shall enter a judgment against the parties in favor of the board in the amounts apportioned to them.

SEC. 3. Section 2048 of said code is amended to read:

2048. Upon the hearing of objections to the expense or the apportionment thereof the court shall determine the expense and its apportionment as the court deems equitable and shall enter judgment against the parties in favor of the board in the amounts apportioned to them.

SEC. 4. Section 2049 of said code is repealed.

SEC. 5. Section 2050 of said code is repealed.

SEC. 6. Section 2857 of said code is amended to read:

2857. If no objection is filed with the court within the prescribed periods the court upon ex parte application of the board shall enter a judgment against the parties in favor of the board in the amounts apportioned to them.

SEC. 7. Section 2859 of said code is amended to read:

2859. Upon the hearing of objections to the expense or the apportionments thereof the court shall determine the expense and its apportionment as the court deems equitable and shall enter judgment against the parties in favor of the board in the amounts apportioned to them.

SEC. 8. Section 2860 of said code is repealed.

SEC. 9. Section 2861 of said code is repealed.

CHAPTER 330

An act to amend Sections 1057 and 1550 of, and to repeal Section 2865 of, the Water Code, relating to the State Water Rights Board accounting procedure.

[Approved by Governor May 8, 1963. Filed with Secretary of State May 8, 1963.]

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

SECTION 1. Section 1057 of the Water Code is amended to read:

1057. All fees charged and collected under this chapter shall be paid, at least once each month, accompanied by a detailed statement thereof, into the State Treasury.

SEC. 2. Section 1550 of said code is amended to read:

1550. All fees paid under the provisions of this chapter shall be paid at least once a month into the State Treasury by the board and shall be accompanied by a detailed statement thereof.

SEC. 3. Section 2865 of said code is repealed.

CHAPTER 331

An act to amend Section 29007 of the Education Code, relating to education.

[Approved by Governor May 8, 1963. Filed with Secretary of State May 8, 1963.]

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

SECTION 1. Section 29007 of the Education Code is amended to read:

29007. Except as otherwise provided by law, no person, firm, association, partnership or corporation may issue or confer a diploma or honorary diploma unless such person, firm, association, partnership or corporation meets the requirements of one of the following subdivisions:

(a) A corporation which has filed with the Superintendent of Public Instruction an affidavit by the president or other head of the corporation, stating that the corporation owns an interest in real or personal property or both real and personal property used exclusively for the purpose of education, of a fair market value of not less than fifty thousand dollars ($50,000). Such affidavit shall be accompanied by an appraisal by a state inheritance tax appraiser appointed for the county in which the institution is located, describing the real or personal property or both, and showing the value of the interest of the corporation therein to be at least fifty thousand dollars ($50,000). The value of the interest of the property required to be owned by the corporation for the purposes of this section shall be deemed to be the appraised value of the interest owned by the corporation less the unpaid balance on any note secured by a mortgage or deed of trust thereon or the unpaid balance on a contract of sale thereof.

(b) A hospital licensed under the provisions of Division 2, Chapter 2 (commencing with Section 1400) of the Health and Safety Code, which issues diplomas in connection with the operation of a hospital.

(c) A person, firm, association, partnership or corporation which is accredited, approved, or licensed by a state board or agency as a school and which issues or confers diplomas in the profession, vocation or occupation controlled by the board or agency accrediting, approving, or licensing it; provided, that this subdivision shall not be construed as authorizing the issuing of a diploma which is not customarily granted for the training given and which is limited to the profession, vocation or occupation controlled by the accrediting, approving, or licensing board.

(d) Any educational institution accredited for teacher training by the State Board of Education for credentials in the field of teacher training; provided, that this subdivision shall not be construed as authorizing the issuance of a diploma

which is not based exclusively on the courses of instruction accredited by the State Board of Education.

(e) Any educational institution approved for veteran training by the Bureau of Readjustment Education of the Department of Education; provided, that this subdivision shall not be construed as authorizing the issuance of a degree by such institution or as authorizing the issuance of any diploma which is not based exclusively on courses of instruction approved by said bureau.

(f) A person, firm, association, partnership or corporation authorized by the Superintendent of Public Instruction to issue specified diplomas. Such permission shall be granted upon a year-to-year basis by the Superintendent of Public Instruction upon the submission of information to him that the courses of instruction, and the faculty or requirements of such applicant will afford students or require of students a course of education comparable to that being furnished by persons, firms, associations, partnerships and corporations offering similar instruction and complying with other subdivisions hereof. For the purpose of this subdivision, the Superintendent of Public Instruction may rely on the findings of an accrediting agency generally accepted by the class of institution concerned and shall consider the results of the examination taken pursuant to Business and Professions Code, Section 2941.5 by students of any applicant. The provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code shall be applicable to any determination of the superintendent made pursuant to this subdivision.

CHAPTER 332

An act to add Sections 4.2, 4.3, and 31.5 to, and to amend Section 3.1 of, the Tehama County Flood Control and Water Conservation District Act (Chapter 1280, Statutes of 1957), relating to the Tehama County Flood Control and Water Conservation District.

[Approved by Governor May 8, 1963. Filed with Secretary of State May 8, 1963.]

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

SECTION 1. Section 3 1 of the Tehama County Flood Control and Water Conservation District Act (Chapter 1280, Statutes of 1957) is amended to read:

Sec. 3.1. The power of the district to co-operate and contract with the United States or the State of California pursuant to Section 3 shall include the power to incur an indebtedness or liability under any such contract, but no such contract under which the district incurs an indebtedness or

liability exceeding the income or revenue for the year in which the contract is proposed to be executed shall be executed without the consent of two-thirds of the votes cast at a special election to be held for that purpose, such election to be called and held, so far as practicable, in the same manner as bond elections for the district.

SEC. 2. Section 4.2 is added to said act, to read:

Sec. 4.2. Notwithstanding the provisions of Sections 4 and 19.5 of this act, the board of directors of the district by resolution may establish a countywide zone for the purpose of maintaining flood control projects and bank protection projects, including those constructed by federal agencies, including but not limited to, the United States Army, Corps of Engineers, or pursuant to the Watershed Protection and Flood Prevention Act (Public Law 566, Chapter 656, 83d Congress, Second Session), and for channel clearance when, in the judgment of the board, the channels of any stream are in such condition as to impede the flow of flood water.

The board, at any regular or special meeting, may adopt a notice of intention to create a countywide zone. The notice shall state the reason for the formation of the countywide zone, that the zone shall embrace all that territory of the County of Tehama lying within the exterior boundaries of the county, and the date, place and time of the meeting of the board at which it is proposed to pass the resolution to form a countywide zone. The notices of intention to form a countywide zone must be posted in at least five public places in the county, at least 15 days prior to the proposed formation date. Proof of the posting of the notices shall be filed with the clerk, showing the locations in the county where the notices were posted, together with the date of posting, and signed by the person who did the posting. The clerk shall mail a copy of the notices of intention to form a countywide zone to the county assessor and such other parties as ordered by the board. The notice must also state that any interested person may appear before the board at the time when it is proposed to pass the resolution forming the countywide zone, and urge the formation or protest the formation thereof. At the time set by the board in its notice of intention to form a countywide zone, or at any time at which the hearing may be continued, the board shall consider all proposals for or against the formation of the countywide zone.

If it appears to the majority of the board that the formation of a countywide zone would be beneficial to all the territory within the district, they may adopt a resolution forming the countywide zone. The clerk shall file a certified copy of the resolution with the county recorder, and one copy each with the county assessor, the Secretary of State, and the State Board of Equalization.

SEC. 3. Section 4.3 is added to said act, to read:

Sec. 4.3. A countywide zone may be abolished pursuant to the provisions of Section 4.1, except that the resolution abolish-

ing the countywide zone need not contain a metes and bounds description of such zone nor a map or plat showing the boundaries of such zone.

SEC. 4. Section 31.5 is added to said act, to read:

Sec. 31.5. After the formation of a zone pursuant to the provisions of Section 4, the board shall have power, in any year, to levy a tax upon the taxable property in any such zone as provided in Section 31 at the time and in the manner set forth therein, to carry out any of the obligations specified in this act and to pay any contractual indebtedness incurred for such zone in accordance with the provisions of Section 3.1. The board shall have power to control and order the expenditures for such purposes of all revenue derived. The tax authorized by this section shall be in addition to any tax levied to meet the bonded indebtedness of the district and all interest thereon.

CHAPTER 333

An act to amend Section 7668 of the Business and Professions Code, relating to apprentice embalmers.

[Approved by Governor May 8, 1963. Filed with Secretary of State May 8, 1963]

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

SECTION 1. Section 7668 of the Business and Professions Code is amended to read:

7668. The board may suspend or revoke a certificate of apprenticeship, after notice and upon complaint and hearing in accordance with the provisions of Article 6, where the apprentice is guilty of any of the following acts or omissions.

(a) Failure to devote full-time employment to the duties of his apprenticeship.

(b) Failure to make any report required by law to the board.

(c) Absence from duty except as provided in this code.

(d) Gross immorality.

(e) Being on duty as an apprentice while under the influence of liquor.

(f) Disobedience of proper orders or instructions of his superior.

(g) Violation of any provision of this chapter or any rule or regulation of the board.

(h) Soliciting business for a funeral director or for an embalmer in violation of this chapter.

(i) Fraud or misrepresentation in obtaining a certificate of registration as an apprentice.

(j) Conviction of a crime involving moral turpitude, in which case the record of conviction, or a certified copy thereof, shall be conclusive evidence of the conviction.

CHAPTER 334

An act to amend Sections 745.1, 745.2, and 745.6 of, and to add Sections 746.21, 746.22, 746.23, and 746.24 to the Agricultural Code, relating to the Dairy Council of California, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 8, 1963. Filed with Secretary of State May 8, 1963.]

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

SECTION 1. Section 745.1 of the Agricultural Code is amended to read:

745.1. The duties of the board shall be advisory, except as to those duties which may be delegated to it by the director, and may include the following:

(a) To recommend to the director administrative rules and regulations relating to the administration and enforcement of this chapter;

(b) To investigate all matters affecting the administration of this act, and to report violations thereof to the director;

(c) To employ and at its pleasure, discharge a manager and such clerical help and other employees as it deems necessary, and to prescribe their duties and powers and fix their compensation when authorized by the director;

(d) When authorized so to do, to contract with, or employ, and, at its pleasure, discharge, such advertising experts, advertising agencies, and advertising agents as it deems necessary, and in the cases of such of them as it shall employ, to outline their powers and duties and fix their compensation;

(e) To establish offices, and incur expenses incidental thereto;

(f) To recommend to the director the making of such advertising contracts and other agreements as may be necessary to promote the sale of dairy products on either a local, state, national or international basis;

(g) To co-operate with any other local, state, or national commission, organization, or agency, whether voluntary or created by state or national law, and engaged in work or activities similar to the work and activities of the board created by this act, and recommend to the director the making of contracts and agreements with such organizations or agencies for carrying on joint campaigns of research, education, and advertising; provided, however, that in matters of research, the board shall co-operate with organizations of recognized professional standing which are adequately equipped with facilities for the research contemplated.

(h) To recommend to the director the institution and promotion of scientific research to develop and/or discover the health, food, therapeutic, dietetic, and industrial uses of milk and its products and derivatives;

(i) To co-operate with other public and private agencies which are engaged in similar work or activities in order to avoid or minimize any overlapping or duplication of work or conflict.

The exercise of the foregoing powers of the board shall in all instances be subject to the approval of the director as prescribed in Section 745.4 hereof.

SEC. 2. Section 745.2 of said code is amended to read:

745.2. It shall be the duty of the director to conduct one or more campaigns of research, advertising, publicity, and education designed to accomplish the following purposes, among others:

To increase the consumption of dairy products; to gather, publicize, and diffuse accurate and scientific information showing the importance of the use and consumption of milk, cream, and other dairy products in relation to the public health, economy, and diet, and proper nutrition of children and adults; to study means and methods employed in producing, processing, manufacturing, marketing, and distributing dairy products in order to comply with the sanitary and other regulations imposed by municipalities, State and nation; to gather and disseminate information regarding the high standards observed and imposed to insure pure and wholesome dairy products and the harmful effects on the public health resulting from a breakdown in the stability of the dairy industry, the factors and conditions peculiar to the dairy industry which tend to cause an unbalanced production, the price of milk, cream, and other dairy products in relation to the cost of other items of food in a balanced diet, and the factors which tend to promote increased consumption of dairy products, stabilize the industry, and foster a better understanding and more efficient co-operation among producers, persons engaged in the handling, processing, and marketing of dairy products, and the consuming public.

In each fiscal year such amount of the money received under this chapter as shall be determined by the board shall be expended or allocated for research in the discovery and development of uses for milk, milk products, and by-products of milk.

The board shall select the research project or projects to be carried on from time to time. Insofar as practicable such projects shall be carried out by the College of Agriculture of the University of California, pursuant to contract entered into between the regents of the university and the director, but if the board determines that the college has no facilities for a particular project or that some other recognized research agency has better facilities therefor, the project may be carried out by such other research agency, pursuant to contract with the board.

No advertising or sales promotion program conducted or sponsored by the director shall make false or unwarranted claims, or disparage the quality, value, use, or sale of any commodity authorized by law to be marketed in this State, nor

shall any such program be conducted with reference to a brand or trade name.

SEC. 3. Section 745.6 of said code is amended to read:

745.6. All meetings of the board shall be open and public. Written notice of the time and place of each regular or special meeting of the board or of any committee thereof shall be mailed by the manager employed by the board at least seven days before the date of such meeting to each member of the board or of the committee and to any interested person who so requests.

SEC. 4. Section 746.21 is added to said code, to read:

746.21. The director shall conduct a referendum among producers of market milk for class 1 use, and shall conduct a referendum among handlers of market milk for class 1 use, as soon as practicable after the effective date of this section. The purpose of the referendum shall be to determine whether the following maximum fees shall be paid by producers, producer-handlers, and handlers of class 1 milk.

(1) For each producer and producer-handler a maximum fee, for each month of the year other than the months of May and October, of three mills ($0.003) per pound of milkfat produced by him in the State, delivered by him to a handler and used as class 1 milk, including milkfat produced by a producer-handler and used by him as class 1 milk.

(2) For each handler and producer-handler a maximum fee, for each month of the year other than the months of May and October, of three mills ($0.003) per pound of milkfat on all milkfat received from or handled for producers and used as class 1 milk, including milkfat produced by a producer-handler and processed by him for class 1 milk.

As used in this chapter, "class 1 milk" is fluid milk, fluid skim milk, and fluid cream that is supplied to consumers or used for the purposes specified in Section 4226 of this code.

In the referendum each producer-handler of class 1 milk shall be eligible to vote both as a producer and as a handler.

SEC. 5. Section 746.22 is added to said code, to read:

746.22. As soon as practicable after the effective date of this section the director shall, from the records of the department and independent investigations by him, prepare a list of producers of milk for class 1 use, a list of handlers of milk for class 1 use, and a list of producer-handlers for class 1 use.

The director shall then call and hold 10 or more joint meetings of such producers, handlers, and producer-handlers at such places in the State as he shall determine will give a reasonable opportunity to every such producer, producer-handler, and handler who would be affected by the referendum to attend one of said meetings. The purpose of such meetings shall be the discussion of the referendum provided for in Section 746.21, its effects upon the individuals affected thereby, and its effect upon the dairy industry. Any member or representative of the Dairy Council may attend such meeting and participate in the discussions.

Promptly after such joint meetings have been held the director shall mail a ballot or ballots and a self-addressed envelope to each producer, producer-handler, and handler of market milk for class 1 use as shown on the list prepared by him. The ballot form shall be substantially as follows:

BALLOT

DAIRY COUNCIL OF CALIFORNIA

HANDLERS, PRODUCERS, AND PRODUCER-HANDLERS OF CLASS 1 MILK ADDITIONAL FEE

Shall handlers, producers, and producer-handlers of class 1 milk pay an additional fee of not to exceed three mills ($0.003) per pound of milkfat for each month of the year except the months of May and October, to be collected upon the basis of milkfat of market milk for class 1 purposes for a period of four years following the determination of this referendum?

YES _____ NO _____

_____

Signature of handler, producer, or producer-handler

_____

Address of handler, producer, or producer-handler

SEC. 6. Section 746.23 is added to said code, to read:

746.23. If upon a count of the ballots the director finds that 65 percent or more of the total number of producers voting and 65 percent or more of the total number of handlers voting have assented to the additional assessment, he shall make a finding to that effect and shall so notify each producer, producer-handler, and handler of class 1 milkfat. The Dairy Council and the director shall thereupon prepare or revise the annual budget, provided for by this chapter, for the current or ensuing fiscal year to provide for more extensive campaigns of research, advertising, publicity, and education during that year.

In the event of favorable action on the referendum, upon the recommendation of the Dairy Council, the director shall determine the amount of the fees to be paid up to the maximum amount and shall determine the effective period for the fees.

The fees imposed shall be the same for producers as for handlers. The fees authorized may be made effective only for those months of the year other than the months of May and October. The fees authorized shall be in addition to the fees authorized in Sections 746, 746.1, and 746.2 for the months of May and October and shall be collected and handled in the same manner as provided in those sections and in Section 746.3, and shall be used to accomplish the purposes of this chapter.

SEC. 7. Section 746.24 is added to said code, to read:

746.24. If such a more extensive campaign of research, advertising, publicity, and education is authorized and conducted as provided for by this chapter such campaigns may be continued for subsequent four-year periods in the manner provided in this section. Within 90 days after the termination of the third fiscal year of such campaign, or as soon thereafter as it may be done, the director shall prepare and mail to each producer, handler, and producer-handler of market milk for class 1 purposes a ballot or ballots and a self-addressed envelope. The ballot form shall be substantially as follows:

BALLOT

DAIRY COUNCIL OF CALIFORNIA

CONTINUATION OF ADDITIONAL FEE FOR HANDLERS, PRODUCERS, AND PRODUCER-HANDLERS OF CLASS 1 MILK

Shall handlers, producers, and producer-handlers of class 1 milk continue to pay an additional fee of not to exceed three mills ($0.003) per pound of milkfat for each month of the year except the months of May and October, to be collected upon the basis of milkfat of market milk for class 1 purposes for a further period of four fiscal years following the determination of this referendum?

YES _____ NO _____

_____

Signature of Handler, Producer, or Producer-handler

_____

Address of Handler, Producer, or Producer-handler

The referendum shall be conducted generally in accordance with the procedure prescribed for the initial referendum provided for by this amendment. The ballots shall contain or be accompanied by instructions to the persons eligible to vote as to how to mark the ballots. The instructions shall contain a statement that in order to be counted the ballots must be received by the department not later than a date specified in the instructions, which date shall be determined by the department but shall not be less than 30 days after the mailing of the ballots by the department.

Upon the expiration of the period during which ballots may be received, the department shall determine the result. If the director finds that 65 percent or more of the total number of producers voting and 65 percent or more of the total number of handlers voting have assented to a continuation of the additional assessment, he shall make a finding to that effect and shall so notify each producer, producer-handler, and handler of class 1 milkfat, and the fees imposed shall thereupon be

collected with respect to the milkfat to which the fees are applicable for the additional four-year period.

SEC. 8. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The dairy industry is by volume at this time the second largest California industry. Substantial reductions in the amount of milk and dairy products sold have recently occurred because of inadequate and misleading public information in respect to the dairy industry and its products. It is necessary that additional funds be expended immediately for the purpose of properly informing the consuming public of the importance of the use and consumption of milk and other dairy products in relation to the public health, economy and diet and proper nutrition of children and adults.

CHAPTER 335

An act to amend Section 21652 of the Vehicle Code, relating to driving on service roads.

[Approved by Governor May 8, 1963. Filed with Secretary of State May 8, 1963.]

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

SECTION 1. Section 21652 of the Vehicle Code is amended to read:

21652. When any service road has been constructed on or along any public highway and the main thoroughfare of the highway has been separated from the service road, it is unlawful for any person to drive any vehicle into the main thoroughfare from the service road or from the main thoroughfare into the service road except through an opening in the dividing curb, section, separation, or line.

CHAPTER 336

An act to amend Sections 375.8, 377.8, and 1118 of the Agricultural Code, relating to poultry.

[Approved by Governor May 9, 1963. Filed with Secretary of State May 10, 1963.]

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

SECTION 1. Section 375.8 of the Agricultural Code is amended to read:

375.8. The provisions of Section 375.4 shall not apply to New York dressed fowl until November 1, 1967.

SEC. 2. Section 377.8 of said code is amended to read:

377.8. The provisions of Section 377.4 shall not apply to New York dressed fowl until November 1, 1967. Anything in this article to the contrary notwithstanding, any inspection required by this article shall not, as to New York dressed fowl, require or be construed to mean, the evisceration, cutting, or any internal examination thereof.

SEC. 3. Section 1118 of said code is amended to read:

1118. The provisions of Sections 1113 and 1114, except those requiring that poultry, poultry meat, or carcasses be placed in classes and marked to show the class of poultry meat, shall not apply to New York dressed fowl until November 1, 1967.

CHAPTER 337

An act to add Section 410 to, and to amend Section 512 of, the Probate Code, relating to administrators with the will annexed.

[Approved by Governor May 10, 1963. Filed with Secretary of State May 10, 1963.]

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

SECTION 1. Section 410 is added to the Probate Code, to read:

410. In all cases where administrators with the will annexed are appointed, the persons so appointed must give bond in like penalty, with sureties and conditions, as required of administrators by Chapter 7 (commencing with Section 540) of Division 3 of this code.

SEC. 2. Section 512 of said code is amended to read:

512. If all the executors or administrators die or become disqualified or incapable, or the power and authority of all of them is revoked, the court shall issue letters of administration, with the will annexed or otherwise, to the person or persons next entitled thereto, in the same order and manner as is directed in relation to original letters of administration.

CHAPTER 338

An act to amend Section 583 of, and add Section 854 to, the Probate Code, relating to options to purchase given in a will.

[Approved by Governor May 10, 1963. Filed with Secretary of State May 10, 1963.]

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

SECTION 1. Section 583 of the Probate Code is amended to read:

583. No executor or administrator may purchase any property of the estate, or any claim against the estate, directly

or indirectly, nor be interested in any such purchase; and if he pays any claim for less than its full amount he may have credit in his accounts only for the amount actually paid.

Nothing in this section shall prevent the exercise, pursuant to the provisions of this code, of any option to purchase real or personal property given in any will duly admitted to probate.

This section does not prohibit purchase of property of an estate by the executor or administrator pursuant to the will of the decedent or a contract in writing made during the lifetime of the decedent, provided the contract is one which can be specifically enforced.

Proceedings for a decree authorizing and directing the conveyance to him of the property pursuant to such contract shall conform to the provisions of Article 3 (commencing with Section 850) of Chapter 14 of this division, and, in addition to the notice therein required, notice of the hearing shall be given by mail at least 10 days before the hearing to all heirs, devisees, and legatees named in the petition for probate of the will or in the petition for letters of administration, as the case may be, and to all persons who have requested notice or who have given notice of appearance as is more particularly provided in Section 1200.1.

SEC. 2. Section 854 is added to the said code, to read:

854. When any option to purchase real or personal property is given in a will duly admitted to probate the optionee may petition the court for an order authorizing the executor or the administrator with the will annexed to transfer or convey such property upon compliance with the terms and conditions stated in the will.

The clerk shall set the petition for hearing by the court and give notice thereof for the period and in the manner required by Section 1200 of this code.

Such order shall not be made unless the court shall find that the rights of creditors will not be impaired or shall require bond in an amount and with such surety as the court shall direct or approve. The order shall not be entered unless the court shall find that all inheritance taxes payable in said proceedings have been paid or the State Controller, an inheritance tax attorney or a subordinate inheritance tax attorney has, in writing, consented to the entry of the order by the court.

The petition must be filed within any time limitations stated in the will, or, in any event, within six months after the issuance of letters testamentary or letters of administration with the will annexed; provided, however, that if any time limitation in the will is measured from the death of the testator such time shall be extended by the period between such death and the issuance of such letters but in no event to more than six months after such issuance.

CHAPTER 339

An act to amend Section 29007.3 of the Education Code, relating to education, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 10, 1963. Filed with Secretary of State May 10, 1963.]

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

SECTION 1. Section 29007.3 of the Education Code is amended to read:

29007.3. No person, either on his own behalf or as the representative of any privately conducted correspondence school or of any private person, firm, association, partnership, or corporation whatever, shall, by personal contact, in California, solicit the sale of or solicit and sell any correspondence course of study beyond high school, of high school level, or below high school level, for a remuneration or other consideration to be provided for such course, unless he holds a valid permit to engage in such activity issued by the State Board of Education. The State Board of Education may delegate its authority to issue this permit to the State Superintendent of Public Instruction.

The State Board of Education, or the State Superintendent of Public Instruction, if such authority has been delegated by the State Board of Education, shall promptly cause to be prepared, and shall, pursuant to this section, issue appropriate permits authorizing the holder to engage in the solicitation of sales and the selling of such courses of study.

No person shall be issued a permit except upon the submission of satisfactory evidence of good moral character.

A permit shall be valid for the calendar year in which it is issued unless sooner revoked or suspended by the State Board of Education for fraud or misrepresentation in connection with the solicitation for the sale or the sale of any course of study, or for the existence of any condition in respect to the permittee or the school he represents which, if in existence at the time the permit was issued would have been ground for denial of the permit.

The application for a permit shall be made by the person who proposes to engage in the activities of soliciting or selling in those cases where such activities are to be conducted in the person's own behalf. Where the person for whom the issuance of a permit is sought is to engage in the activities as a representative, the application shall be made by the correspondence school or other person, firm, association, partnership, or corporation for and on behalf of the person to serve as its representative. Applications shall be submitted on forms to be furnished by the Bureau of Readjustment Education of the Department of Education. The application shall be accompanied by an application fee of five dollars ($5), which fee

shall be deposited in the General Fund in the State Treasury and shall be nonrefundable irrespective of whether or not a permit is subsequently issued.

The application shall be accompanied by a bond executed by good and sufficient sureties making provision for full indemnification of any person for any material loss suffered as a result of any fraud or misrepresentation used in connection with the solicitation for the sale or the sale of any course of study. The term of the bond shall extend over the period of the permit. The bond may be supplied by the correspondence school or other person, firm, association, partnership, or corporation, or by the person for whom issuance of the permit is sought, and may extend to cover either an individual such person or to provide blanket coverage for all persons to be engaged as representatives of a correspondence school or other person, firm, association, partnership or corporation in the solicitation for sale or the sale of correspondence courses of study in California. Any bond shall provide for liability in the penal sum of one thousand dollars ($1,000) for each representative to whom coverage is extended by its terms. Neither the principal nor surety on a bond may terminate the coverage of the bond except upon giving 30 days' prior written notice to the State Board of Education.

The permittee shall carry the permit with him for identification purposes when engaged in the solicitation of sales and the selling of correspondence courses of study.

No recovery by the correspondence school, or representative thereof, shall be had on any contract for or in connection with a course of study by any person selling or administering such course if the representative of such person, firm, association, partnership or corporation was not the holder of a permit as required by this section at the time that such representative negotiated the contract for or sold such course.

The judgment rendered in any action maintained for any material loss suffered as a result of any fraud or misrepresentation used in connection with the solicitation for the sale or the sale of any course of study shall, if the plaintiff is the prevailing party, include court costs including a reasonable attorney's fee fixed by the court.

The provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code shall be applicable to any determination of the State Board of Education made pursuant to this section.

The issuance of a permit pursuant to this section shall not be interpreted as, and it shall be unlawful for any individual holding any such permit to expressly or impliedly represent by any means whatever that the Superintendent of Public Instruction, the State Board of Education, or the State Department of Education has made, any evaluation, recognition, accreditation or endorsement of any correspondence course of study being offered for sale by the individual.

It shall be unlawful for any individual holding a permit under this section to expressly or impliedly represent by any means whatever that the issuance of the permit constitutes an assurance by the Superintendent of Public Instruction, the State Board of Education, or the State Department of Education that any correspondence course of study being offered for sale by the individual will provide and require of the student a course of education or training necessary to reach a professional, educational, or vocational objective, or will result in employment or personal earnings for the student.

The issuance of a permit under this section, and the possession thereof, by an individual, shall be evidence only that the surety bond prescribed by this section has been issued with respect to the possessor and that he has submitted satisfactory evidence of good moral character.

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

This act would authorize the State Board of Education to delegate to the Superintendent of Public Instruction its authority to issue permits to sell or solicit the sale of correspondence school courses. In order that this authorization become effective as soon as possible to alleviate many hardship cases preventing the employment of persons as salesmen which arise from delays in the issuance of permits caused by infrequency of meetings of the State Board of Education at which permits may now be issued, particularly in the summer months, it is necessary that this act take effect immediately.

CHAPTER 340

An act to amend Sections 11611 and 11612 of the Business and Professions Code, relating to the construction of subdivision improvements.

[Approved by Governor May 10, 1963. Filed with Secretary of State May 10, 1963.]

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

SECTION 1. Section 11611 of the Business and Professions Code is amended to read:

11611. The governing body shall at its next meeting or within a period of not more than 10 days after the filing approve the map if it conforms to all the requirements of this chapter and of any local ordinance applicable at the time of approval of the tentative map, or any rulings made thereunder.

The time limit for the approval of such map may be extended by mutual consent of the subdivider and the governing body. If no action is taken within such time limit or within the time to which it has been extended by such mutual consent, the map, if it conforms to all the requirements above set forth, shall be deemed to be approved, and it shall be the duty of the clerk of the governing body thereupon to certify the approval.

The governing body shall at that time also accept or reject any or all offers of dedication and shall, as a condition precedent to the acceptance of any streets or easements, provide for the improvement of such streets or easements in accordance with standards established by such governing body by local ordinance applicable at the time of approval of the tentative map by requiring the subdivider (a) to improve said streets and easements, at the subdivider's expense, prior to acceptance thereof, (b) to enter into an agreement with the city or county upon mutually agreeable terms to thereafter improve said streets and easements at the subdivider's expense, or (c) to enter into a contract with the city or county upon mutually agreeable terms to thereafter initiate and consummate proceedings under an appropriate special assessment act for the financing and improvement of said streets and easements.

The standards may be adopted by reference, without posting or publishing them, if they have been printed in book or pamphlet form and three copies thereof have been filed for use and examination by the public in the office of the clerk of the local agency prior to the adoption.

SEC. 2. Section 11612 of said code is amended to read:

11612. In the event an agreement or contract is entered into, pursuant to subdivision (b) or (c) of Section 11611, for the improvement of the streets or easements, the governing body shall require that the agreement or contract shall be secured by a good and sufficient improvement security.

Any contract entered into pursuant to subdivision (c) of Section 11611 may provide that, upon the furnishing by the contractor of the labor and material and faithful performance bonds required by the particular special assessment act, the improvement security of the subdivider may be reduced by an amount corresponding to the amount of bonds so furnished by the contractor.

"Improvement security" as used in this section means one or more of the following: (1) a cash deposit or deposits made with the city or county, (2) a bond or bonds by one or more duly authorized corporate sureties or (3) an instrument or instruments of credit from one or more financial institutions subject to regulation by the state or federal government pledging that the funds necessary to meet the performance are on deposit and guaranteed for payment and agreeing that the funds designated by the instrument shall become trust funds for the purposes set forth in the instrument. Said improvement security shall be in the amounts and for the following pur-

poses: (a) an amount determined by the governing body, not less than 50 percent nor more than 100 percent of the total estimated cost of the improvement, conditioned upon the faithful performance of the agreement or contract and (b) an additional amount determined by the governing body, not less than 50 percent nor more than 100 percent of the total estimated cost of the improvement, securing payment to the contractor, his subcontractors and to persons renting equipment or furnishing labor or materials to them for the improvement. Any reductions authorized to be made in the amount of the improvement security shall be effected by a refund from any cash deposits made or a partial release of any surety bond or instrument of credit furnished.

SEC. 3. The Legislature declares that the amendments of Sections 11611 and 11612 of the Business and Professions Code effected by this act are to implement the recommendations contained in Volume 6, Number 20, of the Final Report of Assembly Interim Committee on Municipal and County Government, dated December 18, 1962.

CHAPTER 341

An act to add Section 2804.1 to the Streets and Highways Code, relating to special assessments.

[Approved by Governor May 10, 1963 Filed with Secretary of State May 10, 1963.]

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

SECTION 1. Section 2804.1 is added to the Streets and Highways Code, to read:

2804.1. The provisions of clause (3) of Section 2804 shall not apply to proceedings for the financing and improvement of streets and easements initiated under a contract entered into or proposed to be entered into between a subdivider and a city, city and county, or county pursuant to Section 11611 of the Business and Professions Code unless the subdivider shall submit written evidence satisfactory to the legislative body and the legislative body shall find and determine that the total estimated amount of the proposed assessment will not exceed 75 percent of the estimated fair market value of the land proposed to be assessed after the proposed public improvements shall have been constructed. The finding and determination of the legislative body shall be final and conclusive in the absence of fraud.

SEC. 2. The Legislature declares that the addition of Section 2804.1 of the Streets and Highways Code effected by this act is to implement the recommendations contained in Volume 6, Number 20, of the Final Report of the Assembly Interim Committee on Municipal and County Government, dated December 18, 1962.

CHAPTER 342

An act to amend Sections 10002 and 10502 of, and to add Sections 10010, 10502.1, 10502.2 and 10502.3 to, the Streets and Highways Code, relating to special assessment proceedings.

[Approved by Governor May 10, 1963. Filed with Secretary of State May 10, 1963.]

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

SECTION 1. Section 10002 of the Streets and Highways Code is amended to read as follows:

10002. "Improvement" includes all work and improvements authorized to be done under this division which are for a public purpose or which are necessary or incidental to a public purpose.

SEC. 2. Section 10010 is added to said code, to read:

10010. "Acquisition", or any of its variants, means and includes one or more of the following:

(a) Any works, improvements, appliances or facilities authorized to be made, constructed or acquired under this division and which are in existence and installed in place on or before the date of adoption of the resolution of intention for the acquisition thereof, any use or capacity rights in any of the foregoing and any works, improvements, appliances or facilities acquired or installed pursuant to Sections 10109 to 10111, inclusive;

(b) Electric current, gas or other illuminating agent for power or lighting service;

(c) Any real property, rights-of-way, easements or interests in real property, acquired or to be acquired by gift, purchase or eminent domain, and which are necessary or convenient in connection with the construction or operation of any work or improvement authorized to be acquired or to be made or constructed under this division, excepting therefrom any such real property, rights-of-way, easements or interests in real property shown upon any final map filed with or submitted to the legislative body for acceptance and approval under the provisions of the Subdivision Map Act (commencing at Section 11500, Business and Professions Code) and offered for dedication to public use by said map or by any separate offer of dedication theretofore or thereafter made.

SEC. 3. Section 10502 of said code is amended to read:

10502. Each bid shall be accompanied by cash, a cashier's check or a certified check, amounting to 10 percent of the bid, payable to the order of the clerk of the legislative body, or by a bond for that amount and so payable, signed by the bidder and two sureties, who shall justify, before any officer competent to administer an oath, in double that amount, and over and above all statutory exemptions or by a corporate surety

bond to the satisfaction and approval of the superintendent of streets. The amount so posted shall be forfeited to the municipality if the bidder does not, within 15 days after written notice that the contract has been awarded to him, enter into a contract with the municipality for the work. The faithful performance of the contract shall be secured by an undertaking in such penal sum as the legislative body requires, but not less than 25 percent of the contract price, with sureties satisfactory to the legislative body. When the proceedings include the acquisition or construction of works, appliances, or improvements to be owned, managed or controlled by a public agency other than the municipality making the acquisitions or ordering the work done, the legislative body of the municipality may require that the undertaking also inure to the benefit of such public agency to the extent of its interest in the entire project. The contractor shall also furnish a labor and material bond as required by law in a sum not less than 50 percent of the contract price.

SEC. 4. Section 10502.1 is added to said code, to read:

10502.1. Notice of award of the contract shall be published by the clerk of the legislative body once in the newspaper in which the notice of improvement was published.

SEC. 5. Section 10502.2 is added to said code, to read:

10502.2. The owners of three-fourths of the area of lands assessed or liable to be assessed, or their agents (who shall make oath that they are such owners or agents), shall not be required to present sealed proposals or bids, but may, within 10 days after the publication of the notice of the award of the contract, elect to take the work and enter into a written contract to do the whole work at prices not exceeding the prices specified in the bid of the bidder to whom the contract was awarded, and all work done under such contract shall be subject to such regulations as may be prescribed by the legislative body.

SEC. 6. Section 10502.3 is added to said code, to read:

10502.3. If the owners fail to elect to take the work and to enter into a written contract therefor within 10 days, or to commence the work within 15 days after the date of the written contract, and to prosecute the same with diligence to completion, a contract shall be entered into with the original bidder to whom the contract was awarded at the prices specified in his bid.

SEC. 7. The Legislature declares that the amendments of Sections 10002 and 10502 of, and the additions of 10010, 10502.1, 10502.2 and 10502.3 to, the Streets and Highways Code effected by this act are to implement the recommendations contained in Volume 6, Number 20, of the Final Report of Assembly Interim Committee on Municipal and County Government, dated December 18, 1962.

CHAPTER 343

An act to amend Section 61114 of the Government Code, relating to community services districts.

[Approved by Governor May 10, 1963. Filed with Secretary of State May 10, 1963.]

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

SECTION 1. Section 61114 of the Government Code is amended to read:

61114. Upon the final hearing the board of supervisors shall fix the boundaries of the proposed district. In so doing it shall exclude from the district any land which it finds will not be benefited by the proposed project and it may include in the district any land which it finds will be benefited if it also finds it will be to the interest of the district to include the same. If the board determines and finds from evidence taken at the hearing that the proposed district as its boundaries are described in the petition or as changed by the board is either not in the public interest or not economically feasible, or both, it may dismiss the petition and terminate the proceedings, but if the board determines and finds that the proposed district is in the public interest and is economically feasible it shall call an election to be held in the proposed district for the purpose of determining whether or not the district shall be organized.

SEC. 2. The Legislature declares that the amendment of Section 61114 of the Government Code effected by this act is to implement the recommendations contained in Volume 6, Number 20, of the Final Report of the Assembly Interim Committee on Municipal and County Government, dated December 18, 1962.

CHAPTER 344

An act to amend Section 424 of the Penal Code, relating to public money.

[Approved by Governor May 10, 1963. Filed with Secretary of State May 10, 1963.]

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

SECTION 1. Section 424 of the Penal Code is amended to read:

424. Each officer of this State, or of any county, city, town, or district of this State, and every other person charged with the receipt, safekeeping, transfer, or disbursement of public moneys, who either:—

1. Without authority of law, appropriates the same, or any portion thereof, to his own use, or to the use of another; or,

2. Loans the same or any portion thereof; makes any profit out of, or uses the same for any purpose not authorized by law; or,

3. Knowingly keeps any false account, or makes any false entry or erasure in any account of or relating to the same; or,

4. Fraudulently alters, falsifies, conceals, destroys, or obliterates any such account; or,

5. Willfully refuses or omits to pay over, on demand, any public moneys in his hands, upon the presentation of a draft, order, or warrant drawn upon such moneys by competent authority; or,

6. Willfully omits to transfer the same, when such transfer is required by law; or,

7. Willfully omits or refuses to pay over to any officer or person authorized by law to receive the same any money received by him under any duty imposed by law so to pay over the same;—

Is punishable by imprisonment in the state prison for not less than one nor more than 10 years, and is disqualified from holding any office in this State.

As used in this section, "public moneys" includes the proceeds of funds derived from the sale of bonds or other evidence of indebtedness authorized by the legislative body of any city, county, district, or public agency.

SEC. 2. The Legislature declares that the amendment of Section 424 of the Penal Code effected by this act is to implement the recommendations contained in Volume 6, Number 20, of the Final Report of the Assembly Interim Committee on Municipal and County Government, dated December 18, 1962.

CHAPTER 345

An act to repeal Division 5 (commencing with Section 3200) of the Streets and Highways Code, relating to special assessment proceedings for acquisitions.

[Approved by Governor May 10, 1963. Filed with Secretary of State May 10, 1963.]

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

SECTION 1. Division 5 (commencing with Section 3200) of the Streets and Highways Code is repealed.

SEC. 2. Notwithstanding the repeal effectuated by this act, any proceedings commenced or completed prior to the effective date of this act by any city acting under or pursuant to any of the provisions of Division 5 of the Streets and Highways Code which is repealed shall remain unaffected by such repeal and, with respect to said proceedings, any such city shall continue to have and may exercise any of the powers authorized

or provided for by said division. No proceedings under said division shall be commenced after the effective date of this act.

SEC. 3. The Legislature declares that the repeal of Division 5 of the Streets and Highways Code effected by this act is to implement the recommendations contained in Volume 6, Number 20, of the Final Report of the Assembly Interim Committee on Municipal and County Government, dated December 18, 1962.

CHAPTER 346

An act to repeal Division 8 (commencing with Section 7000) of the Streets and Highways Code, relating to special assessment proceedings for improvements.

[Approved by Governor May 10, 1963 Filed with Secretary of State May 10, 1963]

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

SECTION 1. Division 8 (commencing with Section 7000) of the Streets and Highways Code is repealed.

SEC. 2. Notwithstanding the repeal effectuated by this act, any proceedings commenced or completed prior to the effective date of this act by any city acting under or pursuant to any of the provisions of Division 8 of the Streets and Highways Code which is repealed shall remain unaffected by such repeal and, with respect to said proceedings, any such city shall continue to have and may exercise any of the powers authorized or provided for by said division. No proceedings under said division shall be commenced after the effective date of this act.

SEC. 3. The Legislature declares that the repeal of Division 8 of the Streets and Highways Code effected by this act is to implement the recommendations contained in Volume 6, Number 20, of the Final Report of the Assembly Interim Committee on Municipal and County Government, dated December 18, 1962.

CHAPTER 347

An act to add Section 10204.1 to the Streets and Highways Code, relating to special assessment proceedings.

[Approved by Governor May 10, 1963. Filed with Secretary of State May 10, 1963.]

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

SECTION 1. Section 10204.1 is added to the Streets and Highways Code, to read:

10204.1. If the assessment district consists, in whole or in part, of lands subdivided or to be subdivided under the provisions of the Subdivision Map Act (commencing at Section

11500, Business and Professions Code), none of the costs and expenses required for compliance with the Subdivision Map Act, including but not limited to surveying and engineering costs incurred in the preparation of any map required by such act, shall be included in the incidental expenses of any improvement ordered to be made or acquired under this division. Incidental expenses under this division may include:

(1) The costs and expenses of modifying any tentative or final map prepared pursuant to the Subdivision Map Act for use as the map of the assessment district or diagram; and

(2) Any surveying or engineering expenses incurred for preparation of the plans and specifications of any improvement to be constructed under this division.

CHAPTER 348

An act to amend Section 2804 of the Streets and Highways Code, relating to special assessment limitations.

[Approved by Governor May 10, 1963. Filed with Secretary of State May 10, 1963.]

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

SECTION 1. Section 2804 of the Streets and Highways Code is amended to read:

2804. This division shall not apply to irrigation districts, irrigation district improvement districts, fire districts, fire protection districts or to public cemetery districts, or to any proceeding otherwise subject hereto when one or more of the following situations exist: (1) when the proceedings are undertaken by a district or public corporation within one year of its incorporation, and the proposed improvements are substantially described in an investigation proceeding had under the District Investigation Act of 1933 for the incorporation of said district or public corporation; or (2) when said improvement proceedings are by a charter city or charter county, and said city or county has complied with the provisions of Section 17 of Article XIII of the Constitution; or (3) when all of the owners of more than 60 percent in area of the property subject to assessment for said proposed improvements have signed and filed with the clerk or secretary of the legislative body undertaking said proceedings a written petition for said improvements and waiver of said investigation proceedings. The words "substantially described" as used herein shall be deemed to mean that additional improvements of the same or similar nature may not be provided unless the estimated cost thereof shall not exceed 10 percent of the estimated cost of the improvements provided in said former report. Owners of land within the meaning of this section are those, and those only, who, at the time that said petition is filed with the clerk or

secretary of said legislative body, appear to be such upon the assessor's roll or, in the case of transfers of land, or parts thereof, subsequent to the date upon which the last assessor's roll was prepared, appear to be such on the records in the county assessor's office which the county assessor will use to prepare the next ensuing assessor's roll. If any person signing said petition appears on said roll or such records as an owner of property as a joint tenant or tenant in common, or as a husband or wife, said property shall be counted as if all such persons had duly signed.

CHAPTER 349

An act to add Chapter 4.5 (commencing with Section 10350) to Division 12, and to repeal Sections 10313, 10314, 10315 and 10316, of the Streets and Highways Code, relating to changes in special assessment proceedings.

[Approved by Governor May 10, 1963. Filed with Secretary of State May 10, 1963.]

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

SECTION 1. Chapter 4.5 (commencing with Section 10350) is added to Division 12 of the Streets and Highways Code, to read:

CHAPTER 4.5. CHANGE OF WORK, BOUNDARIES OF ASSESSMENT DISTRICT, AMOUNTS OF ASSESSMENTS OR PROCEEDINGS

10350. "Changes" as used in this chapter shall include corrections, alterations, modifications, additions, omissions, increases or decreases.

10351. Unless the power to proceed shall have ceased at the conclusion of the hearing on the proposed improvement because of a majority protest, at any time before completion of the improvement proceedings, the legislative body may make changes in, to or from the boundaries of the proposed assessment district, the improvement ordered to be made or acquired, the assessment (including the amounts of any of the individual assessments therein), or in the proceedings, or any act, determination or provision made, or permitted to be made, by the legislative body under and pursuant to this division, which act, determination or provision does not affect the jurisdiction of the legislative body to order the improvement. The legislative body shall not change the boundaries to include any territory which will not, in its judgment, be benefited by the improvement.

10352. All changes shall be made on notice and hearing as herein provided, except changes may be made:

(a) At the hearing on the report, which:

(1) Reduce the total amount of the assessment;

(2) Eliminate a portion of the work or provide a substitution therein without increasing the cost of any assessment by reason thereof or substantially affecting the distribution of benefits from the work; or

(3) Eliminate a portion of the assessment district without increasing the amount of any assessment by reason thereof or substantially affecting the distribution of benefits from the work; and

(b) At any time after the improvements are ordered and during the pendency of the proceedings, which:

(1) Reduce the total amount of the assessment; or

(2) Provide for the elimination or addition of work or substitutions therein, though they result in an increase in some assessments, provided that the owners of the property affected request in writing that the changes in the work and in the assessments be made.

10353. Before ordering any changes made, other than as provided in Section 10352, the legislative body shall adopt a resolution briefly describing the changes proposed to be made, stating the amount of the estimated increase or decrease in the cost of the improvement by reason of said proposed changes and giving notice of a time and place when and where any interested person having any objection to the changes proposed to be made may appear before the legislative body and show cause why said changes should not be ordered. Said resolution may describe said changes by referring to maps, plats, plans, profiles, detailed drawings or specifications on file in the office of the clerk of the legislative body or engineer, which shall indicate the changes proposed to be made and which shall govern for all details thereof. The resolution shall be published pursuant to Section 6061 of the Government Code, at least 10 days prior to the date of the hearing.

10354. If said resolution proposes to include additional territory in the assessment district, or to increase any assessment, at least 20 days prior to the hearing fixed therein the clerk of the legislative body shall mail a copy of said resolution to all persons owning real property within said additional territory, or whose assessment is increased, whose names and addresses appear on the last equalized assessment roll or as known to said clerk.

10355. Written objection to the proposed changes may be filed with the clerk of the legislative body by any interested person at any time not later than the time set for the hearing. The legislative body shall hear and pass upon such objections at the time appointed, or at any time to which the hearing thereof may be adjourned, and its decision thereon shall be final and conclusive. If no written objections to said changes

have been delivered to the clerk up to the hour set for hearing thereon, or if said objections have been heard and found by the legislative body to be insufficient or have been overruled or denied, immediately thereupon the legislative body by an affirmative vote of four-fifths of its members shall acquire jurisdiction to order said changes made The decisions and determinations of the legislative body ordering such changes after notice and hearing shall be final and conclusive upon all persons entitled to appeal thereupon to the legislative body.

10356. If as a result of any proposed changes the legislative body shall determine that a supplemental assessment shall be necessary, the proceedings provided for by this chapter may either be combined with or conducted separately from the proceedings for such supplemental assessment If said proposed changes shall eliminate or substantially reduce the estimated benefits to be received from the improvement by any subdivision of land within the assessment district, the legislative body shall not order any such changes without ordering a corresponding credit upon the individual assessment theretofore imposed upon such subdivision. Said credit shall be made in the manner provided in Section 10427 1.

10357. Any changes made pursuant to this chapter shall be subject to the limitations, if any, contained in any law applicable to the proceedings. which law may impose limitations upon the amount by which the estimated cost of the improvement may be increased by reason of such changes.

10358. Any changes made pursuant to this chapter shall not release or discharge the sureties upon any bond required under this division.

SEC. 2. Section 10313 of said code is repealed

SEC. 3. Section 10314 of said code is repealed.

SEC. 4. Section 10315 of said code is repealed.

SEC. 5. Section 10316 of said code is repealed.

CHAPTER 350

An act to amend Section 11102 of the Vehicle Code, relating to driving schools and instructors.

[Approved by Governor May 10, 1963 Filed with Secretary of State May 10, 1963.]

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

SECTION 1. Section 11102 of the Vehicle Code is amended to read:

11102. (a) Every person, in order to qualify to operate a driving school shall meet the following requirements:

(1) Be of good moral character.

(2) Maintain an established place of business open to the public. No office or place of business shall be established within

200 feet of any building used by the department as an office after September 8, 1953.

(3) Have the equipment necessary to the giving of proper instruction in the operation of motor vehicles.

(4) Pay to the department an examination fee of one hundred dollars ($100) which shall entitle the applicant to three examinations within a period of one year, and a license fee of twenty-five dollars ($25).

(5) Be 21 years of age or older.

(b) If the application for a license is for the purpose of operating a school in which the person making application will be the sole instructor, the applicant shall have worked for an established licensed driver training school as a driving instructor for a period of not less than 2,000 hours, except that this subdivision does not apply to any person who holds a general secondary credential or a special secondary credential in public safety, including driver education and driver training.

(c) The qualifying requirements referred to in this section shall be met within one year from the date of application for a license or a new application, examination and fee shall be required.

CHAPTER 351

An act to add Article 5 (commencing with Section 35500) to Chapter 2 of Part 5 of Division 13 of the Water Code, relating to sewer facilities.

[Approved by Governor May 10, 1963. Filed with Secretary of State May 10, 1963.]

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

SECTION 1. Article 5 (commencing with Section 35500) is added to Chapter 2 of Part 5 of Division 13 of the Water Code, to read:

Article 5. Sewers

35500. A district may acquire, construct, and operate facilities for the collection, treatment, and disposal of sewage, waste, and storm water of the district and its inhabitants and may contract with any public agency concerning facilities and services.

35501. The district may prescribe, revise, and collect rates or other charges for the services and facilities furnished pursuant to this article.

35502. The district may provide that such rates or other charges may be collected with the water rates of the district and that all rates shall be billed upon the same bill and collected as one item, and that in the event of failure to pay the

whole or any part thereof, the district may discontinue any and all service for which such bill is rendered, but this provision shall not be construed to prohibit the collection of rates or charges by the district in any other lawful manner.

35503. Upon providing a sewer system in any area of the district, the district may declare the further maintenance or use of cesspools, septic tanks, or other local means of sewage disposal in such area to be a public nuisance and may require all buildings used by human beings to be connected with the sewer system within such period, not less than 120 days from the completion of the sewer system, as may be prescribed by the district; provided that such buildings to be connected are within 150 feet of the system.

35504. A district may not exercise any of the powers granted a district by this article unless the board first submits to the voters of the district at an election a proposition as to whether or not the powers may be exercised by the district, and a majority of the votes cast on the proposition are in favor of the proposition.

CHAPTER 352

An act to amend Sections 17742 and 17745 of, and to add Section 17745.1 to, the Revenue and Taxation Code, relating to taxation of trusts.

[Approved by Governor May 10, 1963 Filed with Secretary of State May 10, 1963.]

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

SECTION 1. Section 17742 of the Revenue and Taxation Code is amended to read:

17742. (a) Except as otherwise provided in Articles 1 to 6, inclusive, of this chapter, the income of an estate or trust is taxable to the estate or trust. The tax applies to the entire taxable income of an estate, if the decedent was a resident, regardless of the residence of the fiduciary or beneficiary, and to the entire taxable income of a trust, if the fiduciary or beneficiary (other than a beneficiary whose interest in such trust is contingent) is a resident, regardless of the residence of the settlor.

(b) For purposes of this article the residence of a corporate fiduciary of a trust means the place where the corporation transacts the major portion of its administration of the trust.

SEC. 2. Section 17745 of said code is amended to read:

17745. (a) If, for any reason, the taxes imposed on income of a trust which is taxable to the trust because the fiduciary or beneficiary is a resident of this State are not paid when

due and remain unpaid when such income is distributable to the beneficiary, or in case the income is distributable to the beneficiary before the taxes are due, if the taxes are not paid when due, such income shall be taxable to the beneficiary when distributable to him except that in the case of a nonresident beneficiary such income shall be taxable only to the extent it is derived from sources within this State.

(b) If no taxes have been paid on the current or accumulated income of the trust because the resident beneficiary's interest in the trust was contingent such income shall be taxable to the beneficiary when distributed or distributable to him.

(c) The tax on such income which is taxable to the beneficiary under subdivisions (a) or (b) is a tax on the receipt of such income distributed or on the constructive receipt of such distributable income. For purposes of this section income accumulated by a trust continues to be income even though the trust provides that the income (ordinary or capital) shall become a part of the corpus.

(d) The tax attributable to the inclusion of such income in the gross income of such beneficiary for the year such income is distributed or distributable under subdivision (b) shall be the aggregate of the taxes which would have been attributable to such income had it been included in the gross income of such beneficiary ratably for the year of distribution and the five preceding taxable years, or for the period that the trust accumulated or acquired income for such contingent beneficiary, whichever period is the shorter.

(e) In the event that a person is a resident beneficiary during the period of accumulation, and leaves this State within 12 months prior to the date of distribution of accumulated income and returns to the State within 12 months after distribution, it shall be presumed that the beneficiary continued to be a resident of this State throughout the time of distribution.

(f) The Franchise Tax Board shall prescribe such regulations as it deems necessary for the application of this section.

SEC. 3. Section 17745.1 is added to said code, to read:

17745.1. The amendments of Sections 17742 and 17745 made at the 1963 Regular Session of the Legislature shall be applicable only with respect to taxable years beginning after December 31, 1962. Whether or not the income of a trust which is or was accumulated or is or was accumulated and distributed or accumulated and distributable is taxable by California for the years prior to 1963 shall be determined as if Sections 17742 and 17745 had not been amended at the 1963 Regular Session of the Legislature and without inferences drawn from the fact that such amendments were not made applicable with respect to taxable years beginning before January 1, 1963.

CHAPTER 353

An act to amend Section 12211 of the Business and Professions Code, relating to weight of packaged goods.

[Approved by Governor May 10, 1963 Filed with Secretary of State May 10, 1963.]

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

SECTION 1. Section 12211 of the Business and Professions Code is amended to read:

12211. Each sealer shall, from time to time, weigh or measure packages, containers or amounts of commodities sold, or in the process of delivery, in order to determine whether the same contain the quantity or amount represented and whether they are being sold in accordance with law.

The director is hereby authorized and directed to adopt and promulgate necessary rules and regulations governing the procedures to be followed by sealers in connection with the weighing or measuring of amounts of commodities in individual packages or containers or lots of such packages or containers, including the procedures for sampling any such lot, and in determining whether any package or container or a lot of such packages or containers complies with the provisions of this section. Any such rule or regulation, or amendment thereof, shall be adopted and promulgated by the director in conformity with the provisions of Chapter 4.5 (commencing with Section 11371), of Part 1 of Division 3 of Title 2 of the Government Code; provided, that the average weight or measure of the packages or containers in a lot of any such commodity sampled shall not be less, at the time of sale or offer for sale, than the net weight or measure stated upon the package, and provided further, that said rules or regulations applicable to food, as defined in Section 26450 of the Health and Safety Code, insofar as possible, shall not require higher standards and shall not be more restrictive than regulations, if any, promulgated by the Department of Health, Education, and Welfare, Food and Drug Administration, under the provisions of the Federal Food, Drug and Cosmetic Act.

Any lot or package of any such commodity which conforms to the provisions of this section shall be deemed to be in conformity with the provisions of this division relating to stated net weights or measures.

Whenever a lot or package of any commodity is found to contain, through the procedures authorized herein, a less amount than that represented, the sealer shall in writing order same off sale and require that an accurate statement of quantity be placed on each such package or container before same may be released for sale by the sealer in writing. The sealer may seize as evidence any package or container which is found to contain a less amount than that represented.

CHAPTER 354

An act to add Section 13365 to the Vehicle Code, relating to drivers' licenses.

[Approved by Governor May 10, 1963 Filed with Secretary of State May 10, 1963.]

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

SECTION 1. Section 13365 is added to the Vehicle Code, to read:

13365. The department may suspend or revoke the driving privilege of any person when his record contains notifications of two or more violations of subdivision (a) of Section 40509 of the Vehicle Code in that he has violated his written promise to appear in court. The suspension or revocation may continue until adjudication notices are received as provided in subdivision (a) of Section 40509.

CHAPTER 355

An act to add Section 268.7 to the Revenue and Taxation Code, relating to the welfare exemption, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 10, 1963 Filed with Secretary of State May 10, 1963.]

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

SECTION 1. Section 268.7 is added to the Revenue and Taxation Code, to read:

268.7. For the purposes of Section 268, "property as to which the welfare exemption was available for any fiscal year commencing during the calendar year 1961" includes property owned by a nonprofit hospital which would otherwise qualify for the welfare exemption, except that at the lien date for that year the articles of incorporation of such nonprofit hospital did not provide that its property was irrevocably dedicated to religious, charitable, scientific, or hospital purposes and that upon its liquidation, dissolution or abandonment the property would not inure to the benefit of any private person except a fund, foundation or corporation organized and operated for religious, hospital, scientific, or charitable purposes, if the nonprofit hospital does all of the following:

(1) Files an affidavit with the assessor that its property was at that time and has been since then irrevocably dedicated to religious, charitable, scientific, or hospital purposes and upon its liquidation, dissolution or abandonment the property would not inure to the benefit of any private person, except a fund,

foundation or corporation organized and operated for religious, hospital, scientific or charitable purposes.

(2) Amended its articles of incorporation prior to the lien date for the fiscal year commencing during the calendar year 1962 to provide that its property is irrevocably dedicated to religious, charitable, scientific, or hospital purposes and upon its liquidation, dissolution or abandonment, will not inure to the benefit of any private person, except a fund, foundation or corporation organized and operated for religious, charitable, scientific or hospital purposes.

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

Some hospitals qualified for the welfare exemption pursuant to Section 214 had inadvertently failed to include in their articles of incorporation a statement that their property was irrevocably dedicated to religious, charitable, scientific, or hospital purposes as required by subdivision (6) of Section 214 of the Revenue and Taxation Code and as a result thereof their property was taxed for the fiscal year 1961-62, although, in fact, the property was so irrevocably dedicated. If required to meet such tax obligation, the ability of such hospitals to function effectively will be seriously impaired to the great detriment of our State. This act will remedy the situation, and in so doing, the public policy of the State for the exemption of property owned by welfare organizations as expressed in Section 1c of Article XIII of the Constitution will be subserved and the State as a whole will benefit.

CHAPTER 356

An act to amend Section 26826 of the Government Code, relating to fees of the county clerk.

[Approved by Governor May 10, 1963. Filed with Secretary of State May 10, 1963.]

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

SECTION 1. Section 26826 of the Government Code is amended to read:

26826. Upon filing the first paper in the action on behalf of any defendant, intervenor, respondent, corespondent, or adverse party, whether separately or jointly, except for the purpose of making disclaimer, the fee is three dollars ($3).

As used in this section the word "paper" does not include a stipulation for the appointment of a judge pro tempore or of a court investigator or the report made by such investigator or the declaration of a spouse filed in an order to show cause proceeding.

CHAPTER 357

An act to amend Section 8412 of the Elections Code, relating to county central committees.

[Approved by Governor May 10, 1963 Filed with Secretary of State May 10, 1963.]

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

SECTION 1. Section 8412 of the Elections Code is amended to read:

8412. Each county central committee in a county having a population of 4,000,000 or less shall meet in the courthouse at its county seat, upon call which shall be given by the county clerk of the county and in quarters to be arranged or provided for by the county clerk of the county, and each county central committee in a county having a population in excess of 4,000,000 shall meet, upon such call, at its county seat in a centrally located public auditorium sufficient to accommodate its membership, on the second Tuesday in July following the direct primary, except that in any year in which a national political party shall have set the national convention of the party to include that date, the existing executive committee of the county central committee of that party shall set the date of the meeting, not to exceed 30 days after the date above specified. At such meeting the county central committee shall organize by selecting a chairman, a secretary, and such other officers and committees as it deems necessary for carrying on the campaign of the party.

CHAPTER 358

An act to amend Sections 8792 and 8793 of the Business and Professions Code, relating to land surveyors.

[Approved by Governor May 10, 1963 Filed with Secretary of State May 10, 1963.]

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

SECTION 1. Section 8792 of the Business and Professions Code is amended to read:

8792. Every person is guilty of a misdemeanor:

(a) Who, unless he is exempt from licensing under this chapter, practices, or offers to practice, land surveying in this State without legal authorization.

(b) Who presents as his own, the license of another.

(c) Who attempts to file as his own any record of survey under the license of another.

(d) Who gives false evidence of any kind to the board, or to any member, in obtaining a license.

(e) Who falsely impersonates or uses the seal of another practitioner, of like or different name.

(f) Who uses an expired or revoked license.

(g) Who violates any provision of this chapter.

SEC. 2 Section 8793 of said code is amended to read:

8793. Any person not a citizen of the United States who practices, or offers to practice, land surveying in this State, whether heretofore licensed for that purpose or not, is guilty of a misdemeanor. The secretary shall notify each licensed land surveyor of the provisions of this section prior to its effective date.

CHAPTER 359

An act to amend Section 7150 of the Fish and Game Code, relating to fishing licenses.

[Approved by Governor May 10, 1963 Filed with Secretary of State May 10, 1963.]

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

SECTION 1. Section 7150 of the Fish and Game Code is amended to read:

7150. A sport fishing license granting the privilege of taking fish from ocean waters of this State may be issued to any person over the age of 16 years, upon payment of a fee of one dollar ($1), for a period of three days from the date of issue. A sport fishing license stamp may not be purchased for this license.

For the purpose of this section and Section 7149, ocean waters in the San Francisco Bay area are those waters bounded by U.S. Highway 101 commencing at the Golden Gate Bridge, thence northerly toward the City of Petaluma to the junction of U S. Highway 101 and State Highway Legislative Route 104; thence easterly on State Highway Legislative Route 104 to its junction with State Highway sign route 12; thence southerly on State Highway sign route 12 to its junction with State Highway sign route 37 near the Town of Schellville; thence easterly along State Highway sign route 12 and 37 to its junction with State Highway sign route 29 near the City of Napa; thence southerly along State Highway sign route 29 to its junction with U.S. Highway 40; thence southerly along U.S. Highway 40 to its junction with State Highway sign route 17; thence southerly and westerly on State Highway sign route 17 to its junction with By-pass U.S. 101 near the City of San Jose; thence northerly on By-pass U.S. 101 to the point of beginning.

CHAPTER 360

An act to add Section 8202 to the Education Code, relating to the public schools.

[Approved by Governor May 10, 1963 Filed with Secretary of State May 10, 1963.]

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

SECTION 1. Section 8202 is added to the Education Code, to read:

8202. Nothing in this code shall be construed to prevent, or exclude from the public schools, references to religion or references to or the use of religious literature, art, or music or other things having a religious significance when such references or uses do not constitute instruction in religious principles or aid to any religious sect, church, creed, or sectarian purpose and when such references or uses are incidental to or illustrative of matters properly included in the course of study.

CHAPTER 361

An act to amend Section 644.1 of the Military and Veterans Code, relating to award of the Federal Service Ribbon.

[Approved by Governor May 10, 1963 Filed with Secretary of State May 10, 1963]

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

SECTION 1. Section 644.1 of the Military and Veterans Code is amended to read:

644.1. A Federal Service Ribbon may be presented by the Adjutant General to each person inducted into the federal service as a member of a California National Guard unit after September 15, 1940, and who has completed not less than a total of 12 months honorable service in the armed forces of the United States between September 15, 1940, and September 16, 1945, and to each person inducted into the federal service as a member of a California National Guard unit after August 1, 1950, and who has completed not less than a total of 12 months honorable service in the armed forces of the United States while the United States is engaged in war as defined in Section 18 of this code and to each person inducted into the federal service as a member of a California National Guard unit on or after October 1, 1961, and who has completed not less than a total of three months honorable service in the armed forces of the United States between October 1, 1961, and August 31, 1962.

The Federal Service Ribbon shall be prepared, designed, awarded and issued according to rules and regulations to be

adopted by the Adjutant General and all applications therefor shall be in writing and filed in the office of the Adjutant General. The applicant shall have the burden of proof as to his military service and the decision of the Adjutant General, in case of dispute, shall be final.

CHAPTER 362

An act to add Section 643.3 to the Military and Veterans Code, relating to awarding of a State Service Ribbon.

[Approved by Governor May 10, 1963 Filed with Secretary of State May 10, 1963.]

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

SECTION 1. Section 643.3 is added to the Military and Veterans Code, to read:

643.3. A State Service Ribbon may be presented by the Adjutant General to each person who after July 1, 1963, honorably serves on active duty with the State during a period of emergency declared by the Governor or while the United States is engaged in war as defined in Section 18 of this code.

CHAPTER 363

An act to add Section 19.1 to the Welfare and Institutions Code, relating to public social services.

[Approved by Governor May 10, 1963 Filed with Secretary of State May 10, 1963.]

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

SECTION 1. Section 19.1 is added to the Welfare and Institutions Code, to read:

19.1. The purpose of the public social services for which state grants-in-aid are made to counties are:

(a) To provide on behalf of the general public, and within the limits of public resources, reasonable support and maintenance for needy and dependent families and persons.

(b) To provide timely and appropriate services to assist individuals develop or use whatever capacity they can maintain or achieve for self-care or self-support.

(c) To provide protective services to handicapped or deprived persons subject to social or legal disability, and to children and others subject to exploitation jeopardizing their present or future health, opportunity for normal development or capacity for independence.

CHAPTER 364

An act to amend Section 31680 of the Government Code, relating to payment for services rendered by a retired officer or employee of a county or district.

[Approved by Governor May 10, 1963 Filed with Secretary of State May 10, 1963.]

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

SECTION 1. Section 31680 of the Government Code is amended to read:

31680. A member retired for service or disability shall not be paid for any service rendered by him to the county or district after the date of his retirement, except:

(a) As specifically provided in this chapter.

(b) Pursuant to Section 31733.

(c) The county or district may pay and such retired member may receive rewards for ideas or suggestions made by such retired member for the improvement of county or district activities.

As herein used the term "services rendered" shall refer to service rendered as an officer or employee of the county or district and shall not refer to services performed by a retired officer or employee as an independent contractor engaged by a county or district under a bona fide contract for services within the purview of Section 31000 of this code.

CHAPTER 365

An act to amend Sections 20101, 20104, and 22810 of the Government Code, relating to medical and hospital care for state officers and employees.

[Approved by Governor May 10, 1963 Filed with Secretary of State May 10, 1963]

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

SECTION 1. Section 20101 of the Government Code is amended to read:

20101. The term of office of the members specified in subdivisions (d) and (e) of Section 20100, other than the three members representing the public, is four years, expiring on January 15th, in the order heretofore fixed by law. The members of the board as of October 1, 1963, representing the public shall so classify themselves by lot, that their terms will expire as follows: (1) one member, January 15, 1964; (2) one member, January 15, 1965; and (3) one member, January 15,

1966. The term of office of members representing the public thereafter shall be four years. The Governor shall fill a vacancy of the members in subdivision (d) of Section 20100 by the appointment of a person having the requisite qualifications for the vacant membership. Such appointment shall be for the unexpired term. In the event a vacancy occurs during the term of an elected member, it shall be filled at a special election which the board shall cause to be held; provided, the term has 15 months or more to run from the time the vacancy occurs; otherwise, the office shall remain vacant until filled at the next regular election.

SEC. 2. Section 20104 of said code is amended to read:

20104. The board shall maintain its office in the City of Sacramento. A quorum of the board is four members except that in the administration of the State Employees' Medical and Hospital Care Act contained in Part 5 (commencing with Section 22751) of this division, a quorum of the board is six members. The board shall elect a president from its membership.

SEC. 3. Section 22810 of said code is amended to read:

22810. Any employee or annuitant may, in the manner, and under such eligibility rules as the board may by regulation prescribe, enroll in an approved health benefits plan, either as an individual or for self and family. The regulations may provide for the exclusion of employees on the basis of the nature and type of their employment or conditions pertaining thereto, such as, but not limited to, short-term appointments, seasonal or intermittent employment, and employment of a like nature, but no employee or group of employees shall be excluded solely on the basis of the hazardous nature of the employment. Any such enrollment shall authorize the deduction of the contributions required under this part from the employee's or annuitant's salary or retirement allowance.

Any annuitant who, at the time he became an annuitant was enrolled in a health benefits plan, may continue his enrollment as provided by regulations of the board, without discrimination as to premium rates or benefit coverage.

The board shall, by rule and regulation, make such provision as it deems necessary to eliminate or minimize the impact of adverse selection which would affect any plans approved or contracted for, because of enrollment of annuitants who acquired that status prior to January 1, 1962.

Enrollments in a health benefits plan under this part may not be effective prior to January 1, 1962. If any employee or annuitant is participating in an approved plan immediately prior to his enrollment under this part, and if he chooses to enroll in the same plan, his enrollment for purposes of the State's contribution shall not interrupt continuous coverage under the plan.

SEC. 4. This act shall become operative on October 1, 1963.

CHAPTER 366

An act to amend Section 5100 of the Business and Professions Code, relating to the practice of accountancy.

[Approved by Governor May 10, 1963. Filed with Secretary of State May 10, 1963.]

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

SECTION 1. Section 5100 of the Business and Professions Code is amended to read:

5100. After notice and hearing the board may revoke, suspend or refuse to renew any permit or certificate granted under Articles 4 (commencing at Section 5070) and 5 (commencing at Section 5080), or may censure the holder of any such permit or certificate for any one or any combination of the following causes:

(a) Conviction of a felony or of any crime involving moral turpitude under the laws of any state or of the United States arising out of or in connection with the practice of accountancy.

(b) Conviction of any crime, an essential element of which is dishonesty, deceit or fraud.

(c) Fraud or deceit in obtaining a certificate as a certified public accountant or in obtaining registration under this chapter or in obtaining a permit to practice public accountancy under this chapter.

(d) Dishonesty, fraud or gross negligence in the practice of public accountancy or in the performance of the bookkeeping operations described in Section 5052.

(e) Cancellation, revocation or suspension of certificate or other authority to practice or refusal to renew the certificate or other authority to practice as a certified public accountant or a public accountant by any other state or foreign country.

(f) Violation of any of the provisions of Section 5120.

(g) Willful violation of a rule or regulation promulgated by the board under the authority granted under this chapter.

(h) Suspension or revocation of the right to practice before any governmental body or agency.

(i) Conviction under the laws of the United States of a willful failure to file a tax return or a willful attempt to evade or defeat a tax.

CHAPTER 367

An act to amend Sections 13011, 13020, and 13021 of the Water Code, relating to water pollution control.

[Approved by Governor May 10, 1963 Filed with Secretary of State May 10, 1963.]

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

SECTION 1. Section 13011 of the Water Code is amended to read:

13011. The state board consists of nine members appointed by the Governor and the following officers of the State or their nominees:

(a) The Director of Public Health;
(b) The Director of Water Resources;
(c) The Director of Conservation;
(d) The Director of Agriculture;
(e) The Director of Fish and Game.

Of the nine members appointed by the Governor, at least one shall be selected from qualified persons engaged in each of the following fields:

(a) Production and supply of domestic water;
(b) Irrigated agriculture;
(c) Industrial water use;
(d) Production of industrial waste;
(e) Public sewage disposal;
(f) City government;
(g) County government.

Of the two members appointed by the Governor who are not selected from qualified persons engaged in a field specified in this section, one member shall be a person, not employed by any governmental agency, from a responsible organization associated with both recreation and wildlife, and one member shall be a person not specifically associated with any of the foregoing interests representing the public at large.

Insofar as reasonably practicable the Governor shall appoint a member from each of the nine regions defined in Section 13040.

Of the members originally appointed to the state board, three members shall be appointed for a term of two years commencing on the effective date of this act; three members shall be appointed for a term of three years commencing on the effective date of this act; and three members shall be appointed for a term of four years commencing on the effective date of this act. Thereafter, all members shall be appointed for a term of four years. Vacancies shall be immediately filled by the Governor for the unexpired portion of the terms in which they occur.

SEC. 2. Section 13020 of said code is amended to read:

13020. The state board shall:

(a) Establish an office.

(b) Appoint and fix the salary of an executive officer who is a registered engineer with at least five years of engineering experience relating to water pollution and waste disposal. The executive officer shall be exempt from the state civil service and shall serve at the pleasure of the board.

(c) Appoint such secretarial and stenographic help, and such other assistants, subject to the State Civil Service Act, as the board determines necessary to enable it to carry out the provisions of this division.

(d) Adopt reasonable rules and regulations for the conduct of its affairs in the administration of this division.

(e) Adopt a seal which shall have embossed thereon "State Water Pollution Control Board, State of California."

(f) Allocate to the regional boards from funds appropriated to the state board such part thereof as may be necessary for the administrative expenses of such boards.

(g) Have the power to require any state or local agency to inspect and report on any technical factors involved in water pollution.

(h) At the request of a regional board, assist the citizens of any area in the formation of a district authorized to provide facilities necessary to correct any condition of contamination, pollution, or nuisance.

SEC. 3. Section 13021 of said code is amended to read:

13021. The board shall take no action which is not approved by seven or more of its members. The state board shall hold at least two regular meetings each year and such additional special meetings as shall be called by the executive officer upon the request of the chairman or two members of the state board. The regular meetings shall be held alternately in the southern and northern portions of the State.

CHAPTER 368

An act to amend Sections 34420 and 35100 of the Water Code, relating to California water district elections.

[Approved by Governor May 10, 1963. Filed with Secretary of State May 10, 1963.]

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

SECTION 1. Section 34420 of the Water Code is amended to read:

34420. The board shall designate the polling place for the election and appoint from the persons eligible to the office of district director a board of election. The board may provide for the payment of reasonable compensation for the services of the members of the board of election.

SEC. 2. Section 35100 of said code is amended to read:

35100. At least 10 days before any district election the board shall appoint from among the persons qualified and entitled to vote at the election a board of election, consisting of one inspector, one judge, and two or more clerks, and three alternates who shall, in the order in which they are appointed, fill any vacancies on the board of election if any members do not attend at the opening of the polls. The board may provide for the payment of reasonable compensation for the services of the members of the board of election.

CHAPTER 369

An act to amend Section 39440 of the Water Code, relating to California water storage districts.

[Approved by Governor May 10, 1963 Filed with Secretary of State May 10, 1963.]

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

SECTION 1. Section 39440 of the Water Code is amended to read:

39440. Upon the presentation and filing of the formation petition and undertaking the department shall forthwith fix a time and place for the hearing of the petition. The place shall be either the office of the department at Sacramento or some place within an affected county. The time shall be not less than 30 nor more than 120 days after the presentation and filing of the petition.

CHAPTER 370

An act to amend Sections 4475 and 4476 of the Health and Safety Code, relating to garbage disposal.

[Approved by Governor May 10, 1963 Filed with Secretary of State May 10, 1963.]

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

SECTION 1. Section 4475 of the Health and Safety Code is amended to read:

4475. As used in this article, "garbage" includes any or all of the following:

(a) Garbage.

(b) Swill.

(c) Refuse.

(d) Cans.
(e) Bottles.
(f) Paper.
(g) Vegetable matter.
(h) Carcass of any dead animal.
(i) Offal from any slaughterpen or butcher shop.
(j) Trash.
(k) Rubbish.
(*l*) Abandoned and unidentifiable vehicles or vehicle bodies.
(m) Abandoned iceboxes and refrigerators.

SEC. 2. Section 4476 of said code is amended to read:

4476. Every person who places, deposits, or dumps, or who causes to be placed, deposited or dumped, or who causes or allows to overflow, any sewage, sludge, cesspool or septic tank effluent, or accumulation of human excreta, or any garbage, in or upon any street, alley, public highway, or road in common use or upon any public park or other public property other than property designated or set aside for such purpose by the governing board or body having charge thereof, or upon any private property into or upon which the public is admitted by easement, license or otherwise, is guilty of a misdemeanor.

This section does not apply to the placing, depositing, or dumping of any garbage upon private property by the owner, or any person authorized by the owner, of the private property, except that the placing, depositing or dumping of such garbage shall not create a public health and safety hazard or a fire hazard, as determined by a local health department, local fire department or fire district, or the Division of Forestry.

CHAPTER 371

An act to amend Section 22793 of the Government Code, relating to medical and hospital care for state officers and employees.

[Approved by Governor May 10, 1963. Filed with Secretary of State May 10, 1963.]

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

SECTION 1. Section 22793 of the Government Code is amended to read:

22793. Each contract shall contain a detailed statement of benefits offered and shall include such maximums, limitations, exclusions, and other definitions of benefits as the board may deem necessary or desirable.

No contract shall be made or plan approved which excludes any person on account of his physical condition, age, race, or other status at the time of original group enrollment. If

individual applications are permitted during nonenrollment periods, existing health disabilities may be excluded, but the right to coverage may not. Transfer of enrollment in any plan shall be open to all employees and annuitants in accordance with the provisions of Section 22813 of this code.

No contract shall be made or plan approved which does not offer to each annuitant whose enrollment in the plan is terminated other than by cancellation of enrollment, or each employee whose enrollment in the plan is terminated other than by cancellation of enrollment, voluntary separation from state service, or dismissal from state service for cause, the option to convert, without evidence of good health and within such time limits as are prescribed by the carrier and approved by the board, to a nongroup contract providing health benefits. An employee or annuitant who exercises this option shall pay the full periodic charges of the nongroup contract, on such terms or conditions as are prescribed by the carrier and approved by the board.

The benefits and coverage made available pursuant to the provisions of the above paragraph shall, at the option of the employee or annuitant, be continued in effect by the carrier except for fraud or nonpayment of periodic charges; provided, however, that in the case of a comprehensive group-practice prepayment plan, in which services are provided by a limited panel of physicians associated with the plan, it is recognized that it may be impossible or impractical to maintain acceptable physician-patient relationships with particular employees or annuitants or members of their families entitled to the benefits of continued conversion coverage under the foregoing provision. In any such case the plan may submit the question of ability to maintain adequate physician-patient relationships for consideration under the grievance procedure provided below, and in the event such grievance procedure shall result in a determination that such relationship cannot reasonably be maintained, then the plan shall have the right to provide such annuitant or employee with coverage, by contract with a service benefits plan or an indemnity carrier. Such coverage shall provide benefits substantially equivalent to the benefits available to annuitants or employees under the best conversion coverage offered by a service benefits plan or an indemnity benefit plan under this act at a prepayment rate not in excess of the rate charged by the comprehensive group-practice prepayment plan for the conversion coverage otherwise available to such annuitant or employee.

No contract shall be made or plan approved which does not provide for grievance procedures to protect the rights of employees and annuitants.

SEC. 2. This act shall become operative October 1, 1963.

CHAPTER 372

An act to maintain the Penal Code by amending Sections 148.1, 197, 212, 337.5, 653½, 2685, 6202, 6520, and 13510, amending the heading of Chapter 9 (commencing with Section 6200) of Title 7 of Part 3, amending and renumbering Sections 597a, 597b, 597c and 597d as added by Chapter 220 of the Statutes of 1907, and by repealing Section 499c thereof, relating to criminal conduct, proceedings, and detention.

[Approved by Governor May 10, 1963. Filed with Secretary of State May 10, 1963.]

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

SECTION 1. Section 148.1 of the Penal Code is amended to read:

148.1. Any person who reports to any police officer, sheriff, employee of a fire department or fire service, district attorney, newspaper, radio station, television station, deputy sheriff, deputy district attorney, member of the California Highway Patrol, employees of an airline, employees of an airport, employees of a railroad or busline, an employee of a telephone company, occupants of a building or a news reporter in the employ of a newspaper or radio or television station, that a bomb or other explosive has been placed or secreted in any public or private place knowing that such report is false, is guilty of a crime punishable by imprisonment in the state prison not to exceed three years, or imprisonment in the county jail not to exceed one year.

SEC. 2. Section 197 of said code is amended to read:

197. Homicide is also justifiable when committed by any person in any of the following cases:

1. When resisting any attempt to murder any person, or to commit a felony, or to do some great bodily injury upon any person; or,

2. When committed in defense of habitation, property, or person, against one who manifestly intends or endeavors, by violence or surprise, to commit a felony, or against one who manifestly intends and endeavors, in a violent, riotous or tumultuous manner, to enter the habitation of another for the purpose of offering violence to any person therein; or,

3. When committed in the lawful defense of such person, or of a wife or husband, parent, child, master, mistress, or servant of such person, when there is reasonable ground to apprehend a design to commit a felony or to do some great bodily injury, and imminent danger of such design being accomplished; but such person, or the person in whose behalf the defense was made, if he was the assailant or engaged in mutual combat, must really and in good faith have endeavored

to decline any further struggle before the homicide was committed; or,

4. When necessarily committed in attempting, by lawful ways and means, to apprehend any person for any felony committed, or in lawfully suppressing any riot, or in lawfully keeping and preserving the peace.

SEC. 3. Section 212 of said code is amended to read:

212. The fear mentioned in Section 211 may be either:

1. The fear of an unlawful injury to the person or property of the person robbed, or of any relative of his or member of his family; or,

2. The fear of an immediate and unlawful injury to the person or property of anyone in the company of the person robbed at the time of the robbery.

SEC. 4. Section 337.5 of said code is amended to read:

337.5. Any person who has been convicted of touting, and the record of whose conviction on such charge is on file in the office of the California Horse Racing Board or in the State Bureau of Criminal Identification and Investigation or of the Federal Bureau of Investigation, or any person who has been ejected from any racetrack of this or any other state for touting or practices inimical to the public interest shall be excluded from all racetracks in this State. Any such person who refuses to leave such track when ordered to do so by inspectors of the California Horse Racing Board, or by any peace officer, or by an accredited attaché of a racetrack or association is guilty of a misdemeanor.

SEC. 5. Section 653½ of said code is amended to read:

653½. Any appraiser, appointed by virtue of Sections 605, 606, 607, and 609 of the Probate Code, who shall accept any fees, reward, or compensation other than that provided for by law, from any executor, administrator, trustee, legatee, next of kin or heir of any decedent, or from any other person, is guilty of a misdemeanor.

SEC. 6. Section 6202 of said code is amended to read:

6202. Work of inmates assigned to the conservation center may be performed at the conservation center or in or from permanent, temporary, and mobile camps established pursuant to this chapter or pursuant to Article 5 (commencing with Section 2780) of Chapter 5, Title 1, Part 3 of this code. The provisions of Sections 2780.1 to 2786, inclusive, and Sections 2788 to 2791, inclusive, are applicable to camps established pursuant to this article as well as those established pursuant to said Article 5 The department may by contract with political subdivisions of the State and with local public agencies, furnish the labor of such inmates for conservation and disaster relief work

Inmates and wards may be assigned to perform public conservation projects including, but not limited to, forest fire prevention and control, forest and watershed management, recreational area development, fish and game management, soil conservation and forest watershed revegetation.

SEC. 7. Section 6520 of said code is amended to read:

6520. If at any time the Adult Authority is of the opinion that a person committed pursuant to Article 3 of this chapter while on parole has abstained from the use of narcotics for at least three consecutive years and has otherwise complied with the conditions of parole it shall discharge such person from the program.

If at any time the Adult Authority is of the opinion that a defendant committed pursuant to Article 2 of this chapter while on parole has abstained from the use of narcotics for at least three consecutive years and has otherwise complied with the conditions of parole it may file with the superior court of the county in which the defendant was committed a certificate alleging such facts and recommending to the court the discharge of the defendant from the program. The Adult Authority shall serve a copy of such certificate upon the district attorney of the county. Upon filing such certificate the court shall discharge the defendant from the program and may dismiss the criminal charges of which such defendant was convicted. Where such defendant was certified to the superior court from a municipal or justice court, the defendant shall be returned to such court, which may dismiss the original charges. In any case where the criminal charges are not dismissed and the defendant is sentenced thereon, time served while under commitment pursuant to Article 2 of this chapter shall be credited on such sentence. Such dismissal shall have the same force and effect as a dismissal under Section 1203 4 of the Penal Code, except the conviction is a prior conviction for purposes of this division.

SEC. 8. Section 13510 of said code is amended to read:

13510. For the purpose of raising the level of competence of local law enforcement officers, the commission shall adopt, and may, from time to time amend, rules establishing minimum standards, relating to physical, mental, and moral fitness, which shall govern the recruitment of any city police officers or peace officer members of a county sheriff's office, in any city, county, or city or county receiving state aid pursuant to this chapter, and shall adopt, and may, from time to time amend, rules establishing minimum standards for training of city police officers and peace officer members of county sheriff's offices, which shall apply to those cities, counties, and cities and counties receiving state aid pursuant to this chapter. All such rules shall be adopted and amended pursuant to Chapter 4.5 (commencing with Section 11371) of Part 1, Division 3, Title 2 of the Government Code).

SEC. 9. The heading of Chapter 9 (commencing with Section 6200) of Title 7 of Part 3 of said code, as added by Chapter 629 of the Statutes of 1953, is amended to read:

CHAPTER 9. THE CALIFORNIA CONSERVATION CENTER

SEC. 10. Section 597a of said code, as added by Chapter 220 of the Statutes of 1907, is amended and renumbered to read:

597n. It shall be unlawful for any person or persons to dock the tail of any horse, within the State of California, or to procure the same to be done, or to import or bring into this State, any docked horse, or horses, or to drive, work, use, race or deal in any unregistered docked horse, or horses, within the State of California except as provided in Section 597r of this code.

SEC. 11. Section 597b of said code, as added by Chapter 220 of the Statutes of 1907, is amended and renumbered to read:

597p. Within 30 days after the passage of this act, every owner, or user of any docked horse, within the State of California, shall register his or her docked horse, or horses by filing in the office of the county clerk of the county in which such docked horse, or horses, may then be kept, a certificate, which certificate shall contain the name, or names of the owner, together with his or her post office address, a full description of the color, age, size and the use made of such docked horse, or horses; which certificate shall be signed by the owner, or his, or her agent. The county clerk shall number such certificate consecutively and record the name in a book, or register to be kept for that purpose only; and shall receive as a fee for recording of such certificate, the sum of fifty cents ($0.50), and the clerk shall thereupon issue to such person so registering such horse or horses a certificate containing the facts recited in this section which upon demand shall be exhibited to any peace officer, and the same shall be conclusive evidence of a compliance with the provisions of Section 597n of this code.

SEC. 12. Section 597c of said code, as added by Chapter 220 of the Statutes of 1907, is amended and renumbered to read:

597q. The driving, working, keeping, racing or using of any unregistered docked horse, or horses, after 60 days after the passage of this act, shall be deemed prima facie evidence of the fact that the party driving, working, keeping, racing or using such unregistered docked horse, or horses, docked the tail of such horse or horses.

SEC. 13. Section 597d of said code, as added by Chapter 220 of the Statutes of 1907, is amended and renumbered to read:

597r. Any person or persons violating any of the provisions of this act, shall be deemed guilty of a misdemeanor; provided, however, that the provisions of Sections 597n, 597p, and 597q, shall not be applied to persons owning or possessing any docked purebred stallions and mares imported from foreign countries for breeding or exhibition purposes only, as provided by an act of Congress entitled "An act regulating the

importation of breeding animals" and approved March 3, 1903, and to docked native-bred stallions and mares brought into this State and used for breeding or exhibition purposes only; and provided further, that a description of each such animal so brought into the State, together with the date of importation and name and address of importer, be filed with the county clerk of the county where such animal is kept, within 30 days after the importation of such animal.

SEC. 14. Section 499c of said code is repealed.

SEC. 15. Section 2685 of said code is amended to read:

2685. Upon the receipt of a prisoner, as herein provided, the superintendent of the state hospital shall notify the Director of Corrections of that fact, giving his name, the date, the prison from which he was received, and from whose hands he was received. When in the opinion of the superintendent the mentally ill, mentally deficient or insane prisoner has been treated to such an extent that such person will not benefit by further care and treatment in the state hospital, the superintendent shall immediately notify the Director of Corrections of that fact. The Director of Corrections shall immediately send for, take and receive the prisoner back into prison. The time passed at the state hospital shall count as part of the prisoner's sentence.

CHAPTER 373

An act to add Section 35850.5 to the Water Code, relating to California water districts.

[Approved by Governor May 10, 1963 Filed with Secretary of State May 10, 1963.]

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

SECTION 1. Section 35850.5 is added to the Water Code, to read:

35850.5. A district shall have power to join with one or more public agencies, private corporations or other persons for the purpose of carrying out any of the powers of such district, and for that purpose to contract with such other public agencies or private corporations or persons for the purpose of financing such acquisitions, constructions and operations Such contracts may provide for contributions to be made by each party thereto and for the division and apportionment of the expenses of such acquisitions and operations, and the division and apportionment of the benefits, the services and products therefrom, and may provide for an agency to effect such acquisitions and to carry on such operations, and shall provide in the powers and methods of procedure for such agency the method by which such agency may contract. Such contracts with other public or private corporations or persons may contain such other and further covenants and agreements as may be necessary or convenient to accomplish the purposes thereof.

CHAPTER 374

An act to amend Section 224 of the Civil Code, relating to custody of children.

[Approved by Governor May 10, 1963. Filed with Secretary of State May 10, 1963.]

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

SECTION 1. Section 224 of the Civil Code is amended to read:

224. A legitimate child cannot be adopted without the consent of its parents if living; however, after the custody of any child has, by any judicial decree, been given to the father, and the mother for a period of one year fails to communicate with such child when able to do so, or been given to the mother, and the father for a period of one year shall willfully fail to pay for the care, support and education of such child when able to do so, then the parent to whom custody has been given alone may consent to such adoption, but only after the parent to whom custody has not been given has been personally served with a copy of a citation requiring him or her to appear at the time and place set for the appearance in court under Section 227 of this code; if the parent to whom custody has not been given cannot be located for personal service, the same may be made by publication as provided for the publication of summons in Section 413 of the Code of Civil Procedure; nor an illegitimate child without the consent of its mother if living; except that the consent of a father or mother is not necessary in the following cases:

1. When such father or mother has been judicially deprived of the custody and control of such child (a) by order of the court declaring such child to be free from the custody and control of either or both of his parents pursuant to Chapter 4 (commencing with Section 232) of Title 2, Part 3, Division 1 of this code, or (b) by similar order of the court of another jurisdiction, pursuant to any law of that jurisdiction authorizing such order; or when such father or mother has, in a judicial proceeding in another jurisdiction, voluntarily surrendered his right to the custody and control of such child pursuant to any law of that jurisdiction provided for such surrender.

2. Where such father or mother of any child has deserted the child without provision for its identification.

3. Where such father or mother of any child has relinquished said child for adoption as provided in Section 224m of this code; or where such father or mother has relinquished said child for adoption to a licensed or authorized child-placing agency in another jurisdiction pursuant to the law of that jurisdiction.

CHAPTER 375

An act to amend Sections 28801 and 28802 of the Education Code, relating to offenses against libraries.

[A.B. 1131 having remained with the Governor 10 days (Sundays excepted), and the Legislature being in session, it became law without his signature. (See Sec. 9516, Government Code.) Filed with Secretary of State May 10, 1963.]

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

SECTION 1. Section 28801 of the Education Code is amended to read:

28801. Any person who maliciously cuts, tears, defaces, breaks, or injures any book, map, chart, picture, engraving, statue, coin, model, apparatus, or other work of literature, art, mechanics, or object of curiosity, deposited in any public library, gallery, museum, collection, fair, or exhibition, is guilty of a misdemeanor.

The parent or guardian of a minor who willfully and maliciously commits any act within the scope of this section shall be liable for all damages so caused by the minor.

SEC. 2. Section 28802 of said code is amended to read:

28802. Any person who willfully detains any book, newspaper, magazine, pamphlet, manuscript, or other property belonging to any public or incorporated library, reading room, museum, or other educational institution, for 30 days after notice in writing to return the article or property, given after the expiration of the time for which by the rules of the institution the article or property may be kept, is guilty of a misdemeanor.

The parent or guardian of a minor who willfully and maliciously commits any act within the scope of this section shall be liable for all damages so caused by the minor.

CHAPTER 376

An act to amend Sections 22406 and 22408 of the Vehicle Code, relating to speed limits.

[Approved by Governor May 10, 1963. Filed with Secretary of State May 10, 1963.]

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

SECTION 1. Section 22406 of the Vehicle Code is amended to read:

22406. Any motor truck or truck tractor having three or more axles or any motor truck or truck tractor drawing any

other vehicle, shall not be driven on any highway at a speed in excess of 50 miles per hour.

This section does not apply to any bus having three or more axles.

SEC. 2. *Section 22408 of said code is* amended to read:

22408. Any passenger vehicle or bus drawing any other vehicle shall not be driven on any highway at a speed in excess of 50 miles per hour.

CHAPTER 377

An act to amend Section 28121 of the Government Code, relating to salaries of county officers.

[Approved by Governor May 10, 1963. Filed with Secretary of State May 10, 1963.]

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

SECTION 1. Section 28121 of the Government Code is amended to read:

28121. In a county of the 21st class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, twelve thousand seventy-five dollars ($12,075) a year.

(b) The district attorney, sixteen thousand six hundred fifty dollars ($16,650) a year.

He shall devote his entire time to the duties of his office and shall not engage in private law practice during his term of office.

(c) Each supervisor, eight hundred dollars ($800) a month and eight cents ($0.08) for each mile necessarily and actually traveled in attending meetings of the board or in the discharge of county business within the county.

Each supervisor shall be allowed his actual and necessary expenses incurred while traveling to and from the annual convention of the supervisor's association, not to exceed fifty dollars ($50) for each in any one year.

(d) Trial jurors, five dollars ($5) per day.

(e) Each grand juror, five dollars ($5) per day for each day's attendance upon regularly called grand jury meetings, committee meetings, or when appointed by the foreman of the grand jury to make individual investigations, and eight cents ($0.08) for each mile actually and necessarily traveled in the performance of such duties.

CHAPTER 378

An act to amend Section 634 of the Code of Civil Procedure, relating to trials by court in civil actions.

[Approved by Governor May 10, 1963. Filed with Secretary of State May 10, 1963.]

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

SECTION 1. Section 634 of the Code of Civil Procedure is amended to read:

634. In all cases where findings are to be made, a copy of the proposed findings shall be served upon all parties to the action and the court shall not sign any findings therein prior to the expiration of 10 days after such service. The court may direct a party to prepare findings.

Within 10 days after such service any other party may serve and file objections, counterfindings and requests for special findings.

If upon appeal or upon a motion under Section 657 or 663 of this code it appears that the court has not made findings as to all facts necessary to support the judgment, or that the findings are ambiguous or conflicting upon a material issue of fact, the court before which such appeal or motion is pending shall not infer that the trial court found in favor of the prevailing party on such issue if it appears that the party attacking the judgment made a written request for a specific finding on such issue either prior to the entry of judgment or in conjunction with a motion under Section 663 of this code.

CHAPTER 379

An act to amend Section 1145 of the Probate Code, relating to notice of death of stranger and liability for default.

[Approved by Governor May 10, 1963. Filed with Secretary of State May 10, 1963.]

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

SECTION 1. Section 1145 of the Probate Code is amended to read:

1145. Whenever a stranger, or person without known heirs within the State of California, dies intestate in the house or premises of another, the possessor of such premises, or anyone knowing the facts, must give immediate notice thereof to the public administrator of the county; and in default of so doing, he is liable for any damage that may be sustained thereby, to be recovered by the public administrator or any party interested.

CHAPTER 380

An act to amend Section 1147 of the Probate Code, relating to public administrators.

[Approved by Governor May 10, 1963. Filed with Secretary of State May 10, 1963.]

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

SECTION 1. Section 1147 of the Probate Code is amended to read:

1147. The public administrator, as soon as he receives the same, must deposit all moneys of the estate with the county treasurer of the county in which the proceedings are pending, or with one or more banks authorized to do business in his county, or invest any amount thereof in an account or accounts in one or more insured savings and loan associations authorized to do business in his county, and if there is none then with any bank or in an account or accounts in one or more insured savings and loan associations in the State, whereupon he shall be discharged from further care or responsibility therefor until the money is withdrawn by him. Money deposited with the county treasurer or with a bank or invested in an account or accounts in one or more insured savings and loan associations may be withdrawn upon the order of the public administrator. The moneys thus deposited or invested may be invested, pending the administration of the estate, in securities of the United States or of this State, upon the same proceedings had as in other cases of administration.

CHAPTER 381

An act to amend Section 1152 of the Probate Code, relating to public administrators.

[Approved by Governor May 10, 1963. Filed with Secretary of State May 10, 1963.]

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

SECTION 1. Section 1152 of the Probate Code is amended to read:

1152. The authority of a public administrator, except where the compensation of such public administrator is paid by salary, to administer an estate upon which letters have been issued to him does not cease by virtue of the termination of his office as public administrator, but his authority and duties as administrator of such estate continue until he is discharged, as in the case of other administrators. Where the compensation of the public administrator is paid by salary and not by fees, the authority of such public administrator shall cease upon the termination of his office as such public administrator, and his authority shall vest in his successor.

CHAPTER 382

An act to amend Section 1143 of the Probate Code, relating to public administrators.

[Approved by Governor May 10, 1963 Filed with Secretary of State May 10, 1963.]

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

SECTION 1. Section 1143 of the Probate Code is amended to read:

1143. When a public administrator takes possession of the estate of a decedent as provided in this chapter, and it appears that the total value of the estate of the decedent does not exceed one thousand dollars ($1,000), the public administrator may apply to the superior court of his county or a judge thereof for an order permitting him summarily to sell any personal property belonging to the decedent, and to withdraw any money of the decedent on deposit with any bank, and to collect any indebtedness or claim that may be owing to the decedent. The money received from any such sale or collection shall be used to pay commissions to the public administrator, and to defray the expenses of the burial of the decedent and the expenses of his last illness; the balance, if any, shall be used to pay other claims approved by the court; and there shall be no administration upon the estate unless additional property is discovered. No notice of the application need be given. The application may be filed whether or not there is a will of the decedent in existence, if the executor named therein refuses to act, or if the will does not appoint an executor.

CHAPTER 383

An act to amend Section 27182 of the Streets and Highways Code, relating to bridge and highway districts.

[Approved by Governor May 10, 1963 Filed with Secretary of State May 10, 1963.]

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

SECTION 1. Section 27182 of the Streets and Highways Code is amended to read:

27182. The auditor under the direction of the board of directors shall install and maintain a system of auditing and accounting which shall completely show the financial condition of the district at all times He shall draw warrants to pay those claims made against the district which have been approved by the general manager, and the auditing committee, consisting of at least three members of the board, and passed by the board

CHAPTER 384

An act to amend Sections 13162, 13163 and 13166 of the Health and Safety Code, relating to fire extinguisher sales licenses.

[Approved by Governor May 13, 1963. Filed with Secretary of State May 13, 1963.]

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

SECTION 1. Section 13162 of said code is amended to read:

13162. The State Fire Marshal may issue and renew licenses for those persons or concerns who are in the business of distributing, servicing, charging or testing of fire extinguishers, portable appliances, or devices for controlling and extinguishing fires.

SEC. 2. Section 13163 of said code is amended to read:

13163. Any person who desires to engage in business of distributing, servicing, charging or testing of fire extinguishers, portable appliances, or devices for controlling and extinguishing fires shall first make a written verified application to the State Fire Marshal on forms provided by him. Such application shall be accompanied by the annual fee as prescribed in this article.

The application for a license shall be signed by the applicant. If application is made by a partnership, it shall be signed by each partner of the partnership, and if application is made by a corporation, it shall be signed by an officer of the corporation and bear the seal of the corporation.

Application for renewal of a license shall be made annually by every person holding an existing license.

If the State Fire Marshal finds that the granting or renewing of such license would not be contrary to public safety or welfare, he shall issue or renew a license authorizing the applicant to engage in the particular act or acts.

SEC. 3. Section 13166 of said code is amended to read:

13166. The State Fire Marshal, upon reasonable opportunity to be heard, shall revoke any license issued pursuant to this article, if he finds that:

(a) The licensee has violated any provisions of this article or any rule or regulations made by the State Fire Marshal under and with the authority of this article.

(b) Any licensee has failed or refused to file any required reports. The State Fire Marshal may, upon three days' notice and a hearing, suspend any license for a period not exceeding 30 days, pending investigation.

CHAPTER 385

An act to add Section 253 and Article 3 (commencing with Section 300) to Chapter 2 of Division 1 of, and to repeal Section 253 and Article 3 (commencing with Section 300) of Chapter 2 of Division 1 of, the Streets and Highways Code, relating to routes on the state highway system.

[Approved by Governor May 13, 1963. Filed with Secretary of State May 13, 1963.]

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

SECTION 1. Article 3 (commencing with Section 300) of Chapter 2 of Division 1 of the Streets and Highways Code is repealed.

SEC. 2. Article 3 (commencing with Section 300) is added to Chapter 2 of Division 1 of said code, to read:

Article 3. The State Highway Routes

300. All distinctions existing prior to the amendment of this section as to primary and secondary state highways have been heretofore abolished. Any reference in this code or any other statute to "primary state highway" or "secondary state highway" shall be construed to mean "state highway." The routes in the state highway system are as hereinafter described in this article.

301. Route 1 is from:

(a) Route 5 south of San Juan Capistrano to Route 101 near El Rio.

(b) Route 101 near Las Cruces to Route 101 near Pismo Beach via the vicinity of Lompoc and Guadalupe.

(c) San Luis Obispo to Route 280 south of San Francisco along the coast via Cambria, San Simeon and Santa Cruz.

(d) A connection from Route 280 to Route 82 near the south boundary of the City and County of San Francisco.

(e) Route 101 near the southerly end of Marin Peninsula to Route 101 near Fernbridge via the coast route through Jenner, Westport, and Ferndale.

302. Route 2 is from Route 1 near Santa Monica to Route 138 via the vicinity of Avenue 36 in Los Angeles and via Glendale and Wrightwood.

303. Route 3 is from:

(a) Route 36 near Peanut to Route 299 near Douglas City.

(b) Route 299 near Weaverville to Route 5 near Yreka.

(c) Route 5 near Yreka to Montague.

304. Route 4 is from:

(a) Route 80 near Hercules to Route 99 near Stockton via north of Concord and via Antioch.

(b) Route 99 near Stockton to Route 49 near Altaville via Copperopolis.

(c) Route 49 near Angeles Camp to Route 89 near Mount Bullion via Murphys, Calaveras Big Trees, and Dorrington.

305. Route 5 is from the international boundary near Tijuana to the Oregon state line via National City, San Diego, Los Angeles, a point on Route 99 south of Bakersfield, the westerly side of the San Joaquin Valley, and via Yreka; also passing near Santa Ana, Norwalk, Elysian Park in Los Angeles, Glendale, Woodland, and Red Bluff. That portion between Route 99 south of Bakersfield and Route 113 near Woodland may include all or portions of any existing state highway route or routes.

306. Route 6 is from Route 395 near Bishop to the Nevada state line near Montgomery Pass.

307. Route 7 is from Route 11 in San Pedro to Route 210 in Pasadena via Long Beach and including a bridge, with at least four lanes, from San Pedro at or near Boschke Slough to Terminal Island.

308. Route 8 is from Route 5 in San Diego to Yuma via El Centro.

309. Route 9 is from Route 17 near Santa Cruz to Route 17 near Los Gatos via Waterman Gap and Saratoga Gap and along the ridge between the San Lorenzo and Pescadero Creeks.

310. Route 10 is from:

(a) Route 1 in Santa Monica to Route 105 near Soto Street.

(b) Route 110 in Los Angeles to the Arizona state line at the Colorado River via the vicinity of Monterey Park, Pomona, Colton, Indio, and Shaver's Summit, and via Blythe, and includes that portion of the Colorado River highway bridge (near Ehrenburg, Arizona) which is within the State of California. The department may contract with the State of Arizona, for and on behalf of the State of California, for the maintenance of such bridge.

311. Route 11 is from San Pedro to Route 248 in Pasadena.

312. Route 12 is from:

(a) Route 1 near Valley Ford to Route 121 near Sonoma via Santa Rosa.

(b) Route 29 in the vicinity of Napa to Route 80 near Cordelia.

(c) Route 80 near Fairfield to Route 84 at Rio Vista.

(d) Route 84 near Rio Vista to Route 99 near Lodi.

(e) Route 99 near Lodi to Route 88 near Lockeford.

(f) Route 88 near Clements to Route 49 at San Andreas.

313. Route 13 is from Route 61 near the Oakland International Airport to Route 61 near Emeryville via the vicinity of Lake Temescal.

314. Route 14 is from:

(a) Route 1 northwest of Santa Monica to Route 5 near Tunnel Station.

(b) Route 5 at Los Angeles near Tunnel Station to Route 58.

(c) Route 58 to Route 395 near Little Lake via the vicinity of Antelope Valley.

315. Route 15 is from Route 10 in San Bernardino to the Nevada state line near Calada via Barstow.

316. Route 16 is from:

(a) Route 20 to Route 5 near Woodland via Rumsey and Woodland.

(b) Route 5 near Woodland to Sacramento.

(c) Route 50 near Perkins to Route 49 near Drytown.

317. Route 17 is from:

(a) Route 1 near Santa Cruz to Route 101 near Story Road.

(b) Route 101 near San Jose to Route 680 near Warm Springs.

(c) Route 680 near Warm Springs to Route 580 in Oakland.

(d) Route 80 near Albany to the Richmond-San Rafael Bridge Toll Plaza.

(e) Point San Quentin to Route 101 near San Rafael.

(f) Route 101 near San Rafael to Route 1 near Point Reyes Station.

318. Route 18 is from Route 10 near San Bernardino to Route 138 via San Bernardino, near Mountain View Avenue and via Waterman Canyon, Big Bear Lake, Baldwin Lake, and near Victorville.

319. Route 19 is from Route 1 near Long Beach to Route 164 near Pico Rivera.

320. Route 20 is from:

(a) Route 1 near Fort Bragg to Route 101 at Willits.

(b) Route 101 to Route 80 near Emigrant Gap via Williams and Colusa.

321. Route 21 is from Route 680 at Benicia to Route 80 near Cordelia.

322. Route 22 is from:

(a) Route 1 near Long Beach to Route 405.

(b) Route 405 to Route 55 near Orange.

(c) Route 55 near Orange to Irvine Park.

323. Route 23 is from:

(a) Route 1 near Aliso Canyon to Route 101 near Triunfo.

(b) Route 101 near Newbury Park to Route 118.

(c) Route 118 to Route 126 near Fillmore.

324. Route 24 is from:

(a) Route 17 near Castro Street in Oakland to Route 580.

(b) Route 580 in Oakland to Route 680 in Walnut Creek.

(c) Route 680 near Walnut Creek to Route 4 near Pittsburg.

325. Route 25 is from Route 198 to Route 180 near Paicines.

326. Route 26 is from:

(a) Route 4 to Route 99 near Stockton.

(b) Route 99 near Stockton to Route 12.

(c) Route 12 to Route 49 near Mokelumne Hill.

327. Route 27 is from Route 1 near Topanga Beach north of the intersection of Sunset Boulevard and Route 1 to Route 118 at or near Chatsworth.

328. Route 28 is from Route 89 at Tahoe City along the northern boundary of Lake Tahoe to the Nevada state line at Crystal Bay.

329. Route 29 is from Route 80 near the Carquinez Bridge to Route 20 near Upper Lake via the vicinity of Napa, via Calistoga, via Lower Lake, passing south of Kelseyville and via Lakeport.

330. Route 30 is from Route 210 near San Dimas via the vicinity of Highland northeasterly to Route 18.

331. Route 31 is from Route 91 near Corona to Route 15 near Devore passing near Milliken Avenue at its junction with Route 10.

332. Route 32 is from:

(a) Route 5 near Orland to Chico.

(b) Route 99 near Chico to Route 36 near Deer Creek Meadows.

333. Route 33 is from:

(a) Route 101 near Ventura to Route 150.

(b) Route 150 to Route 5 near Oilfields via the vicinity of Cuyama Valley and Maricopa, and via Coalinga.

(c) Route 5 to Route 152 via the vicinity of Mendota.

(d) Route 152 to Route 140.

(e) Route 140 to Route 205 near Tracy.

334. Route 34 is from Port Hueneme to Route 118 near Somis.

335. Route 35 is from:

(a) Route 17 to Route 92 via Skyline Boulevard.

(b) Route 280 via Skyline Boulevard to Route 280 in San Francisco.

336. Route 36 is from:

(a) Route 101 near Alton to Route 5 near Red Bluff passing near Kuntz and Peanut.

(b) Route 5 at Red Bluff to Route 395 via Mineral, via the vicinity of Morgan, and via Susanville.

(c) Route 139 north of Susanville to Route 395 near Ravendale.

337. Route 37 is from:

(a) Route 17 near Nicasio to Route 101 near Novato.

(b) Route 101 near Novato to Route 80 near Lake Chabot via the vicinity of Sears Point and via the former Sears Point Toll Road.

338. Route 38 is from:

(a) Route 10 near Redlands to Route 18 near Baldwin Lake via Barton Flats.

(b) Route 18 near Baldwin Lake along the north side of Big Bear Lake to Route 18 near the west end of Big Bear Lake.

339. Route 39 is from Route 1 near Huntington Beach to Route 2 passing through or near Buena Park and via San Gabriel Canyon.

340. Route 40 is from Route 15 at Barstow to the Arizona state line near Topock, Arizona via Needles, together with an extension from a point on such Route 40 near Needles easterly by the most direct and practicable route to the Arizona-California line at the Colorado River, including a bridge over and across said river, to be constructed, owned, operated, and maintained jointly with the State of Arizona.

341. Route 41 is from:

(a) Route 1 near Morro Bay to Route 46.

(b) Route 46 to Route 99 near Fresno.

(c) Route 99 near Fresno to Route 180.

(d) Route 180 to Yosemite National Park.

342. Route 42 is from Route 1 west of Inglewood to Route 91 in Santa Ana Canyon via the vicinity of Norwalk.

343. Route 43 is from Route 119 to Route 99 near Selma via the vicinity of Wasco.

344. Route 44 is from:

(a) Route 5 at Redding to Lassen Volcanic National Park.

(b) Lassen Volcanic National Park to Route 36 west of Susanville.

345. Route 45 is from:

(a) Route 113 near Knights Landing to Route 20 near Sycamore.

(b) Route 20 near Colusa to Route 32 near Hamilton City.

346. Route 46 is from:

(a) Route 1 near Cambria to Route 101 near Paso Robles.

(b) Route 101 in San Luis Obispo County to Route 99 near Bakersfield via Cholame Pass.

347. Route 47 is from Route 7 at Terminal Island to Route 10.

348. Route 48 is from Route 138 near Gorman to Route 122 near the San Bernardino county line.

349. Route 49 is from:

(a) Route 41 near Oakhurst to Route 120 near Moccasin Creek.

(b) Route 120 to Route 20 via Sonora, Angels Camp, San Andreas, Jackson, El Dorado, Diamond Springs, Placerville, and Auburn.

(c) Route 20 at Nevada City to Route 89 near Sattley via Downieville.

(d) Route 89 near Sierraville to Route 70 near Vinton, via Loyalton.

350. Route 50 is from Route 80 in Sacramento to the Nevada state line near Lake Tahoe via Placerville.

351. Route 51 is from Route 5 to Route 5 near Santa Ana.

352. Route 52 is from Route 5 east of La Jolla to Route 67 near Santee.

353. Route 53 is from Route 29 to Route 20 via Lower Lake.

354. Route 54 is from Route 5 near Sweetwater River to Route 8 near El Cajon.

355. Route 55 is from Newport Beach to Route 91 in Santa Ana Canyon.

356. Route 56 is from Route 5 north of La Jolla to Route 67

357. Route 57 is from:

(a) Route 1 near Huntington Beach to Route 22 near Santa Ana.

(b) Route 5 near Santa Ana to Route 210 near Route 10 and Pomona, passing near Industry.

358. Route 58 is from:

(a) Route 101 near Santa Margarita to Route 33.

(b) Route 33 to Route 43.

(c) Route 43 to Route 99.

(d) Route 99 to Route 15 near Barstow via Bakersfield and Mojave.

359. Route 59 is from:

(a) Route 152 northerly to Route 99 near Merced.

(b) Route 99 near Merced to Snelling.

360. Route 60 is from:

(a) Route 10 near Soto Street in Los Angeles to Route 395 via Pomona and Riverside.

(b) Route 395 to Beaumont.

361. Route 61 is from:

(a) Route 84 near Newark to Route 17 in Oakland near Seventh and Harrison Streets via the vicinity of San Leandro and Oakland International Airport and via Alameda.

(b) Route 17 near West Grand Avenue in Oakland to Route 17 near Albany.

362. Route 62 is from Route 10 near White Water to Utah Trail Road in the town of Twentynine Palms via Morongo Valley and via the vicinity of Yucca Valley.

363. Route 63 is from:

(a) Route 137 near Tulare to Route 198.

(b) Route 198 to Route 69 via Orosi.

364. Route 64 is from Route 1 near Malibu Beach to Route 5 south of San Fernando.

365. Route 65 is from:

(a) Route 99 near Bakersfield to Route 198 near Exeter.

(b) Route 198 near Exeter to Route 80 near Roseville on a route along the easterly side of the San Joaquin Valley to be selected by the California Highway Commission, which route may include all or portions of any existing state highway route or routes.

(c) Route 80 near Roseville to Route 70.

366. Route 66 is from Route 30 near San Dimas to San Bernardino.

367. Route 67 is from Route 8 near El Cajon to Route 78 near Ramona.

368. Route 68 is from:

(a) Asilomar Beach State Park to Route 1.

(b) Monterey to Route 101 near Salinas.

369. Route 69 is from Route 198 to Route 180 near the General Grant Grove section of Kings Canyon National Park.

370. Route 70 is from Route 99 near Catlett Road to Route 395 near Hallelujah Junction via Quincy and Beckwourth Pass.

371. Route 71 is from.

(a) Route 10 near Pomona to Route 91 via Pomona.

(b) Route 91 to Route 395.

(c) Route 395 near Temecula to Route 74 east of Anza.

372. Route 72 is from Route 5 in or near Anaheim to Route 245.

373. Route 73 is from:

(a) Route 1 near Corona Del Mar to Route 405.

(b) Route 405 to Route 5 in Santa Ana via Main Street.

374. Route 74 is from:

(a) Route 5 near San Juan Capistrano to Route 71.

(b) Route 71 to Route 395 near Perris.

(c) Route 395 near Perris to Route 111.

375. Route 75 is from:

(a) Route 125 east of Brown Field to Route 5 near the south end of San Diego Bay.

(b) Route 5 to the San Diego-Coronado Ferry in Coronado via Silver Strand.

376. Route 76 is from Route 5 near Oceanside to Route 79 near Lake Henshaw.

377. Route 77 is from:

(a) Route 17 near 42nd Avenue to a connection with Route 580 near High Street in Oakland.

(b) Route 580 in Oakland to Route 242 near Concord passing near Lafayette.

378. Route 78 is from:

(a) Route 5 near Oceanside to Route 395 near Escondido.

(b) Route 395 near Escondido to Route 86 near Kane Springs passing near Romona and Santa Ysabel and via Julian.

(c) Route 86 near Brawley to Route 10 near Blythe.

Notwithstanding the provisions of Section 89 of Chapter 1062, Statutes of 1959, the department shall proceed with the construction of the unconstructed portion of said route described in subdivision (c) between the easterly junction of Route 115 and the Imperial-Riverside county line with the lowest practical cost for a hard surfaced road and as an interim project pending the later construction of the route to proper limited access standards; provided, that prior thereto the County of Imperial enters into a co-operative agreement with the department wherein the county agrees to maintain the road between the easterly junction of Route 115 and the Imperial-Riverside county line until a limited access highway is constructed by the department between said points. Upon the completion of construction of said interim road, and pursuant to said agreement, the county shall assume jurisdiction and all responsibilities of maintenance for the period above

provided. The road shall be known and designated as the "Ben Hulse Highway."

379. Route 79 is from:

(a) Route 8 near Descanso to Route 78.

(b) Route 78 to Route 71.

(c) Route 71 east of Temecula to Route 74 near Hemet.

(d) Route 74 near Hemet to Route 10 near Beaumont.

380. Route 80 is from Route 280 in San Francisco to the Nevada state line near Verdi, Nevada, passing near Division Street in San Francisco, passing near Oakland, via Albany, via Sacramento, passing near North Sacramento, passing near Roseville, via Auburn, via Emigrant Gap, via Truckee and via the Truckee River Canyon.

381. Route 81 is from Route 395 east of Riverside to Route 31 south of Devore.

382. Route 82 is from:

(a) Route 101 near Ford Road south of San Jose to Route 101 in San Francisco.

(b) Route 101 near Alemany Boulevard to Route 87 in San Francisco.

Notwithstanding the provisions of Section 89 of Chapter 1062 of the Statutes of 1959, construction of all or any portion of subdivision (b) of Route 82 may be commenced at any time, if the City and County of San Francisco has conveyed or does convey to the State of California, without charge, all real property presently acquired by it for the construction of said subdivision (b) of this route or such portion thereof.

383. Route 83 is from Route 71 to Route 30 near Upland.

384. Route 84 is from:

(a) Route 1 to Route 35.

(b) Route 35 to Route 238.

(c) Route 238 to Route 680 near Scotts Corners via the vicinity of Sunol.

(d) Route 680 near Scotts Corners to Route 580.

(e) Route 580 to Route 4 near Brentwood.

(f) Route 4 near Antioch to Route 80 near Broderick via the vicinity of Rio Vista and via Ryer Island.

385. Route 85 is from Route 101 near Ford Road to Route 101 near Mountain View.

386. Route 86 is from:

(a) Route 111 to Route 8 near El Centro.

(b) Route 8 near El Centro to Route 10 via the vicinity of Brawley.

387. Route 87 is from:

(a) Route 85 in the vicinity of Pearl Avenue to Route 101 in the vicinity of Guadalupe River. Subdivision (a) of Route 87 shall be added to the state highway system at the time the City of San Jose and the County of Santa Clara have acquired all rights-of-way necessary to construct a freeway on this route to state freeway standards and have conveyed said rights-of-way to the State without charge; provided, that the commission and the department may take all steps necessary

to locate and design said freeway or any portion thereof prior to the time it is added to the state highway system.

(b) San Jose easterly of the Bayshore Freeway to Route 230.

(c) Route 230 to Route 480 near the San Francisco-Oakland Bay Bridge.

Notwithstanding the provisions of Section 89 of Chapter 1062 of the Statutes of 1959, construction of all or any portion of subdivision (c) of Route 87 may be commenced at any time, if the City and County of San Francisco has conveyed or does convey to the State of California, without charge, all real property presently acquired by it for the construction of said subdivision (c) of this route or such portion thereof.

388. Route 88 is from:

(a) Route 99 near Stockton to Route 49 passing south of Ione.

(b) Route 49 in Jackson to Route 89 near Picketts in Hope Valley via Irishtown, Pinegrove, Silver Lake and Kirkwood.

(c) Route 89 near Woodfords to the Nevada state line.

389. Route 89 is from:

(a) Route 395 near Coleville to Route 50 near Meyers via the vicinity of Markleeville.

(b) Route 50 near May's Junction to Route 80 via Tallac, Emerald Bay, McKinney's, Tahoe City, and the Truckee River.

(c) Route 80 near Truckee to Route 70 near Blairsden.

(d) Route 70 near Indian Falls to Route 36 near Deer Creek Pass.

(e) Route 36 near Morgan to Lassen Volcanic National Park.

(f) Route 44 to Route 5 near Mt. Shasta.

390. Route 90 is from Route 1 northwest of the Los Angeles International Airport to Route 605.

391. Route 91 is from Route 1 near Hermosa Beach to Route 395 via Santa Ana Canyon.

392. Route 92 is from:

(a) Route 1 near Half Moon Bay to Route 280.

(b) Route 280 to Route 580 near Castro Valley and Hayward.

393. Route 93 is from:

(a) Route 680 near Alamo to Route 77 near Burton.

(b) Route 77 to Route 24 near Orinda.

(c) Route 24 near Orinda to Route 17 in Richmond via San Pablo.

394. Route 94 is from Route 5 near San Diego to Route 8 west of Jacumba via Campo.

395. Route 95 is from:

(a) Route 10 near Blythe to Route 40 near Needles.

(b) Route 40 west of Needles northerly to the Nevada state line.

396. Route 96 is from Route 299 near Willow Creek to Route 5 near Klamath River Bridge via the vicinity of Weitchpec.

397. Route 97 is from Route 5 at Weed to the Oregon state line near Calor.

398. Route 98 is from Route 8 near Coyote Wells to Route 8 near Midway Wells via Calexico.

399. Route 99 is from:

(a) Route 5 south of Bakersfield to Route 80 in Sacramento.

(b) Route 5 in Sacramento to Route 20, passing near Catlett and Tudor.

(c) Route 20 to Route 5 near Red Bluff.

400. Route 100 is from the junction of Routes 1 and 17 to Route 1 west of the San Lorenzo River via the beach area in Santa Cruz.

401. Route 101 is from:

(a) The junction of Routes 105 and 110 in Los Angeles to Route 80 in San Francisco, passing near Ford Road south of San Jose.

(b) Route 80 to Route 480.

(c) A point in Marin County opposite San Francisco to the Oregon state line via Crescent City.

402. Route 102 is from Route 5 near Elkhorn to Route 80 near Auburn.

403. Route 103 is from Route 5 to Route 395 near United States Naval Air Station, Miramar.

404. Route 104 is from Route 99 near Arno to Route 88 near Ione.

405. Route 105 is in Los Angeles from Route 5 to the junction of Routes 101 and 110.

406. Route 106 is from Route 38 near Redlands to Route 30 near Highland.

407. Route 107 is from Route 1 near Torrance to Route 405 near Culver City.

408. Route 108 is from:

(a) Route 5 near Crows Landing to Route 99.

(b) Route 99 to Route 120.

(c) Route 49 to Route 395 via Sonora and Long Barn.

409. Route 109 is from Sunset Cliffs Boulevard near Mission Bay southeasterly to Route 5.

410. Route 110 is in Los Angeles from the northerly terminus of Route 105 to the junction of Routes 5 and 10.

411. Route 111 is from:

(a) Calexico to Route 78 near Brawley passing east of Heber.

(b) Route 78 near Brawley to Route 86 near Indio via the north shore of Salton Sea.

(c) Route 10 near Indio to Route 10 near White Water passing near Palm Desert.

412. Route 112 is from Route 61 to Route 185 in San Leandro.

413 Route 113 is from:

(a) Route 12 to Route 80 near Dixon.

(b) Route 80 near Davis to Route 99 passing near Woodland.

414. Route 114 is from Route 280 near Woodside to Route 101 at the Harbor Boulevard Interchange in Redwood City.

415. Route 115 is from:

(a) Route 98 near Bonds Corners to Route 8 near Holtville.

(b) Route 8 near Holtville to Route 78.

(c) Route 78 east of Brawley to Route 111 at Calipatria.

416. Route 116 is from:

(a) Route 1 near Jenner to Route 101 near Cotati.

(b) Route 101 near Petaluma to Route 121 near Schellville.

417. Route 117 is from Crystal Springs Road in the City of San Bruno northerly to Route 280 in Daly City. Joint Highway District No. 10 is dissolved in accordance with the provisions of Chapter 20 of Part 1 of Division 16 of the Streets and Highways Code, and all property, assets, and liabilities of said district are the property of the State.

418. Route 118 is from:

(a) Route 126 near Saticoy to Route 210 near San Fernando.

(b) Route 210 near Sunland to Route 249 north of La Canada.

419. Route 119 is from Route 33 at Taft to Route 99 near Greenfield.

420. Route 120 is from:

(a) Route 5 near Mossdale to the west boundary of Yosemite National Park via the vicinity of Manteca and Oakdale, and via Big Oak Flat and Buck Meadows.

(b) The east boundary of Yosemite National Park to Route 395 near Mono Lake.

(c) Route 395 near Mono Lake to Route 6 near Benton Station.

421. Route 121 is from:

(a) Route 37 near Sears Point to Route 29 near Napa.

(b) Route 29 near Napa State Hospital to Route 128.

422. Route 122 is from Route 249 south of Palmdale northeasterly to Route 58.

423. Route 123 is from Oakland to Route 80 in Richmond at Cutting Boulevard.

424. Route 124 is from:

(a) Route 88 south of Ione to Route 104.

(b) Route 104 to Route 16 near Waits Station.

425. Route 125 is from Route 75 near Brown Field to Route 56 passing near La Mesa.

426. Route 126 is from:

(a) Route 101 near Ventura to Route 5.

(b) Route 5 to Route 14 near Solemint.

427. Route 127 is from Route 15 near Baker to the Nevada state line via the vicinity of Death Valley Junction.

428. Route 128 is from:

(a) The mouth of the Navarro River to Route 101 near Cloverdale via McDonald

(b) Route 101 near Geyserville to Route 29 near Calistoga.

(c) Route 29 near Rutherford to Route 113 near Davis via Sage Canyon.

429. Route 129 is from Route 1 near Watsonville to Route 101 near the San Benito River bridge, passing near Chittenden.

430. Route 130 is from Route 101 near San Jose to Patterson via the vicinity of Mount Hamilton.

431. Route 131 is from Route 101 to Tiburon.

432. Route 132 is from:

(a) Route 580 west of Vernalis to Route 99 at Modesto.

(b) Route 99 to Route 49.

433. Route 133 is from Route 1 near Laguna Beach to Route 5 near Irvine.

434. Route 134 is from Route 101 near Riverside Drive easterly to Route 210 via the vicinity of Glendale.

435. Route 135 is from:

(a) Route 101 near Los Alamos to Harriston.

(b) Orcutt to Route 101 north of Santa Maria.

436. Route 136 is from Route 395 near Lone Pine to Route 190 via Keeler.

437. Route 137 is from Route 43 at Corcoran to Lindsay via Tulare.

438. Route 138 is from:

(a) Route 5 near Gorman to Route 15 near Cajon Pass.

(b) Route 15 near Cajon Pass to Route 18 near Mt. Anderson.

439. Route 139 is from:

(a) Route 36 near Susanville to Route 299 near Adin.

(b) Route 299 near Canby to the Oregon state line near Hatfield.

440. Route 140 is from:

(a) Route 5 near Gustine to Route 99 near Merced.

(b) Merced to Yosemite National Park near El Portal via Mariposa.

441. Route 141 is from Route 80 to Route 29 in Vallejo.

442. Route 142 is from:

(a) Route 42 near Brea to Route 71 near Chino.

(b) Route 71 near Chino to Route 30 near Upland.

443. Route 143 is from Route 99 near Elk Grove to Route 102 near Antelope.

444. Route 144 is from Route 101 near Santa Barbara to Route 192 via Sycamore Canyon.

445. Route 145 is from:

(a) Route 180 near Kerman to Route 99 near Madera.

(b) Route 99 near Madera to Route 41.

446. Route 146 is from:

(a) Route 101 near Soledad to Pinnacles National Monument.

(b) Pinnacles National Monument to Route 25 in Bear Valley.

447. Route 147 is from Route 89 near Canyon Dam to Route 36 near Westwood.

448. Route 148 is from Route 5 near Sacramento to Route 143 south of Route 16.

449. Route 149 is from Route 70 near Wicks Corner to Route 99 near Chico.

450. Route 150 is from Route 101 near Rincon to Route 126 near Santa Paula.

451. Route 151 is from Shasta Dam to Route 5 near Project City.

452. Route 152 is from:

(a) Route 1 near Watsonville to Route 101 via Hecker Pass.

(b) Route 101 to Route 65 near Sharon via Pacheco Pass.

453. Route 153 is from Route 49 near Coloma to Marshall's Monument.

454. Route 154 is from Route 101 near Zaca to Route 101 near Santa Barbara via San Marcos Pass.

455. Route 155 is from Route 99 near Bakersfield to Route 178 near Isabella via Glennville.

456. Route 156 is from:

(a) Route 1 near Castroville to Route 101 near Prunedale.

(b) Route 101 near The Rocks to Route 152 via San Juan Bautista and Hollister.

457. Route 157 is from Route 805 near San Diego and south of Route 94 to Route 125 near Sweetwater Reservoir.

458. Route 158 is from Route 395 near Rush Creek to Route 395 via June Lake.

459. Route 159 is from:

(a) Route 5 near the Los Angeles River to Route 134.

(b) Route 134 to Route 210 near La Canada.

460. Route 160 is from Route 84 near Rio Vista to Route 80 near North Sacramento via Sacramento.

461. Route 161 is from Route 97 near Dorris to Route 139 near Hatfield.

462. Route 162 is from:

(a) Route 5 near Willows to Route 45.

(b) Route 45 to Route 99 near Biggs.

(c) Route 99 near Richvale to Route 70 near Oroville.

463. Route 163 is from near Lacy Street and Avenue 26 to Route 5 in Los Angeles.

464. Route 164 is from Route 605 near Pico Rivera to Route 210 near Pasadena.

465. Route 165 is from Route 5 to Route 60 via Indiana Street in Los Angeles County.

466. Route 166 is from:

(a) Route 1 near Guadalupe to Route 101 in Santa Maria.

(b) Route 101 near Santa Maria to Route 33 in Cuyama Valley.

(c) Route 33 near Maricopa easterly to Route 99.

467. Route 167 is from Route 395 north of Mono Lake to the Nevada state line in the vicinity of the Pole Line Road.

468. Route 168 is from:

(a) Route 41 near Fresno to Huntington Lake.

(b) Camp Sabrina to Route 395.

(c) Big Pine to the Nevada state line via Oasis.

469. Route 169 is from Route 101 near Klamath to Route 96 near Weitchpec. Notwithstanding the provisions of Section 81 of this code, the department may maintain a traversable highway located in portions of the area between the termini of and approximately on this route even though the highway is not continuous.

470. Route 170 is from:

(a) Route 405 near Inglewood to Route 101 in Los Angeles.

(b) Route 101 near Riverside Drive to Route 5 near Tajunga Wash.

471. Route 171 is from Route 5 near San Diego to Route 805 via Switzer Canyon.

472. Route 172 is from Route 36 at Mineral to Route 36 near Morgan.

473. Route 173 is from Route 138 to Route 18 via Lake Arrowhead.

474. Route 174 is from Route 80 near Colfax to Route 49 near Grass Valley.

475. Route 175 is from:

(a) Route 101 to Route 29 near Lakeport.

(b) Route 29 to Route 29 near Middletown.

476. Route 176 is from Route 101 in Santa Maria to Sisquoc.

477. Route 177 is from Route 79 near San Jacinto to Route 60 near Moreno.

478. Route 178 is from:

(a) Route 99 in Bakersfield to Route 14 near Freeman via Walker Pass.

(b) Route 14 near Freeman to Route 127.

(c) Route 127 to the Nevada state line in Pahrump Valley.

479. Route 179 is from Route 80 near Vacaville to Route 128 near Berryessa Reservoir.

480. Route 180 is from:

(a) Route 101 near Gilroy to Route 156.

(b) Route 156 to Route 99 near Fresno passing near Paicines and Mendota.

(c) Route 99 near Fresno to the General Grant Grove section of Kings Canyon National Park.

(d) The General Grant Grove section of Kings Canyon National Park to Kings River Canyon.

481. Route 181 is from Route 116 near Forestville to Route 101.

482. Route 182 is from Route 395 near Bridgeport to the Nevada state line via Walker River.

483. Route 183 is from Route 101 near Salinas to Route 1 near Castroville.

484. Route 184 is from Route 223 near Weed Patch to Route 178.

485. Route 185 is from Hayward to High Street in Oakland.

486. Route 186 is from Route 1 near Pacifica to Route 101 near San Bruno.

487. Route 187 is from Route 1 at a point near Colorado Avenue in Santa Monica to Route 10 via Pacific Avenue and Venice Boulevard; provided that prior to the construction of any portion of this highway the City of Los Angeles shall furnish to the State of California without charge all right-of-way necessary for that portion and the City of Los Angeles and the County of Los Angeles shall enter into a co-operative agreement with the department wherein said city and county agree to pay one-half the cost of plans and construction.

488. Route 188 is from the south end of Fallen Leaf Lake to Route 89 near Camp Richardson.

489. Route 189 is from Route 18 near Strawberry Peak to Route 173 near Lake Arrowhead via Strawberry Flat.

490. Route 190 is from Route 99 near Tipton to Route 127 near Death Valley Junction via the vicinity of Porterville, Camp Nelson, Olancha, and Death Valley.

491. Route 191 is from Route 70 near Wicks Corner to Paradise.

492. Route 192 is from Route 154 near Santa Barbara to Route 150 near the Ventura-Santa Barbara county line via Foothill Boulevard.

493. Route 193 is from:

(a) Route 65 near Lincoln to Route 80 near Newcastle.

(b) Route 49 near Cool to Route 49 near Placerville via Georgetown.

494. Route 194 is from Route 49 near Downieville to Eureka Mine Road near Saddleback Mountain.

495. Route 195 is from Route 86 near Oasis to Route 10 near Shaver's Summit via Pierce Street, Avenue 66, and Mecca.

496. Route 196 is from Route 2 to Route 249 south of Palmdale.

497. Route 197 is from Route 199 to Route 101 staying north of the Smith River.

498. Route 198 is from:

(a) Route 101 near San Lucas to Route 33 at Coalinga.

(b) Route 33 near Oilfields to Route 99 via Hanford.

(c) Route 99 to the Sequoia National Park line via Visalia.

499. Route 199 is from Route 101 near Crescent City to the Oregon state line via the Smith River.

500. Route 200 is from Route 101 to Route 299 staying north of the Mad River.

501. Route 201 is from:

(a) Route 99 near Kingsburg easterly to Route 63.

(b) Route 63 easterly to Route 69.

502. Route 202 is from California Correctional Institution at Tehachapi to Route 58 near Tehachapi.

503. Route 203 is from Mammoth Lakes to Route 395.

504. Route 204 is from:

(a) Route 99 to Route 58 near Bakersfield via Brundage Lane and Oak Street.

(b) Route 58 northerly to Route 99 near Beardsley School.

505. Route 205 is from Route 580 west of Tracy to Route 5 east of Tracy.

506. Route 206 is from Route 30 in San Bernardino via Little Mountain to Route 15 near Verdemont.

507. Route 207 is from Route 152 west of Los Banos to Route 33.

508. Route 208 is from Route 1 to Route 101 near Leggett Valley.

509. Route 209 is from Point Loma to Route 5 in San Diego.

510. Route 210 is from Route 5 near Tunnel Station to Route 10 near the east boundary of Los Angeles County via the vicinity of San Fernando.

511. Route 211 is from Route 99 near Delano to Route 65.

512. Route 212 is from east city limits of Los Angeles to Route 10 near El Monte.

513. Route 213 is from 25th Street in San Pedro to Route 405 near Western Avenue.

514. Route 214 is from Route 19 near Lakewood to Route 5 near Anaheim.

515. Route 215 is from Route 60 at Pomona to Route 66 west of Claremont.

516. Route 216 is from Visalia to Route 198 near Lemon Cove via Woodlake.

517. Route 217 is from the Goleta Campus of the University of California at Santa Barbara to Route 101 northwest of the City of Santa Barbara.

The commission shall allocate from the State Highway Fund the necessary funds for the construction of said route. The allocation of money provided for in this section shall be made out of moneys contained in the State Highway Fund available for construction of state highways in County Group No. 2, but which is not subject to Section 188.4; and expenditures from such allocation shall be credited against the expenditures required to be made pursuant to Section 188.4 in Santa Barbara County until June 30, 1963.

This route shall be a memorial to the late Senator Clarence C. Ward of Santa Barbara County and shall hereafter be known as Clarence Ward Memorial Boulevard.

518. Route 218 is from Route 1 near Del Rey Oaks to Route 68 via Canyon del Rey.

519. Route 219 is from Route 99 at Salida easterly to Route 108.

520. Route 220 is from Route 84 on Ryer Island to Route 160.

521. Route 221 is from Route 29 to Route 121 near Napa.

522. Route 222 is from Route 101 near Ukiah to the west line of the grounds of the Mendocino State Hospital.

523. Route 223 is from:

(a) Route 5 to Route 99 south of Greenfield.

(b) Route 99 south of Greenfield to Route 58.

524. Route 224 is from Route 101 near Carpinteria to the Carpinteria Beach State Park.

525. Route 225 is from Route 101 near Santa Barbara to Route 101 near Montecito via the coast.

526. Route 226 is from Route 63 near Orosi to Orange Cove.

527. Route 227 is from Route 101 near Arroyo Grande to Route 101 near San Luis Obispo.

528. Route 228 is from Route 86 approximately two and one-half miles southwest of Brawley to Route 86 approximately two miles west of Brawley.

529. Route 229 is from Route 58 near Santa Margarita to Route 41 near Creston.

530. Route 230 is from Route 101 near the south city limits of San Francisco to Route 87 in San Francisco.

Notwithstanding the provisions of Section 89 of Chapter 1062 of the Statutes of 1959, construction of all or any portion of Route 230 may be commenced at any time, if the City and County of San Francisco has conveyed or does convey to the State of California, without charge, all real property presently acquired by it for the construction of such route or portion thereof.

531. Route 231 is from Route 86 to Route 195 near Mecca via Avenue 66.

532. Route 232 is from Route 1 near El Rio to Route 118 near Saticoy.

533. Route 233 is from Route 152 to Route 99 at Chowchilla via Robertson Boulevard.

534. Route 234 is from Route 5 near French Camp to Route 99.

535. Route 235 is from Route 5 to Route 99 north of the Calaveras River.

536. Route 236 is from Route 9 near Boulder Creek to Route 9 near Waterman Gap via Governor's Camp in Big Basin Redwoods State Park.

537. Route 237 is from Route 82 near Mountain View to Route 17 near Milpitas.

538. Route 238 is from Route 680 near Warm Springs to Route 61 near San Lorenzo via Hayward.

539. Route 239 is from Route 580 west of Tracy to Route 4 near Brentwood.

540. Route 240 is from Route 1 near Seal Beach to Route 405.

541. Route 241 is from Route 11 near Adams Street to Route 11 near Elysian Park in Los Angeles.

542. Route 242 is from Route 680 to Route 4 north of Concord.

543. Route 243 is from Route 10 to Route 210 near Duarte.

544. Route 244 is from Route 80 to Route 65 near Fair Oaks.

545. Route 245 is from Route 5 near Los Angeles to Route 60 at the intersection of Downey Road.

546. Route 246 is from.

(a) Surf to Route 1.

(b) Route 1 to Route 154 near Santa Ynez.

547. Route 247 is from Route 62 near Yucca Valley to Route 18 near Lucerne Valley.

548. Route 248 is from Route 134 near Pasadena to Route 210 near Monrovia.

549. Route 249 is from Route 2 north of La Canada to Route 14 south of Palmdale.

550. Route 250 is from Route 5 near Orange County Hospital northerly to Route 91.

551. Route 251 is from Route 101 near Greenbrae to Route 17 near Point San Quentin

552. Route 252 is from Route 5 to Route 805 near the north city limits of National City

580. Route 280 is from Route 680 near San Jose to Route 480 in San Francisco via Daly City.

Joint Highway District No. 10 is dissolved in accordance with the provisions of Chapter 20 of Part 1 of Division 16 of the Streets and Highways Code, and all property, assets, and liabilities of said district are the property of the State.

599. Route 299 is from.

(a) Route 101 near Arcata to Route 5 at Redding via Weaverville.

(b) Route 5 at Redding to Route 395 at Alturas.

(c) Route 395 near Alturas to the Nevada state line via Cedarville.

610. Route 395 is from:

(a) San Diego to Route 10 near San Bernardino via Temecula and passing near Riverside.

(b) Route 15 near Cajon Pass to the Nevada state line passing near Little Lake, Independence, Bridgeport, and Coleville.

(c) Nevada state line northwest of Reno to the Oregon state line near New Pine Creek via Alturas

615. Route 405 is from Route 5 near El Toro to Route 5 near San Fernando.

616. Route 480 is from Route 80 at the San Francisco-Oakland Bay Bridge approach in San Francisco to the junction of Route 280, Funston approach, and the approach to the Golden Gate Bridge in the Presidio of San Francisco passing near the intersection of Lombard Street and Van Ness Avenue.

617. Route 505 is from Route 80 near Vacaville to Route 5 near Dunnigan.

618. Route 580 is from Route 5 southwest of Vernalis to Route 80 near Oakland via the vicinity of Dublin and Hayward.

619. Route 605 is from Route 405 to Route 10 near the San Gabriel River.

620. Route 680 is from Route 280 in San Jose to Route 80 in Vallejo passing near Warm Springs, Mission San Jose, Scotts Corners and Sunol, and via Walnut Creek and Benicia.

621. Route 805 is from Route 5 near San Ysidro to Route 5 north of La Jolla and easterly of existing Route 5.

622. Route 880 is from Route 80 between Harbor Boulevard and the Yolo Causeway west of Sacramento to Route 80 near Watt Avenue.

635. State Highway Route 1 from Las Cruces to San Francisco shall be known and designated as the "Cabrillo Highway."

State highway routes embracing portions of Routes 82, 101, 105, 5, and 72 and extending in a continuous route from San Francisco southerly to the international border and near the route historically known as El Camino Real shall be known and designated as "El Camino Real."

State Highway Route 1 from south of San Juan Capistrano to near El Rio shall be known and designated as the "Pacific Coast Highway."

640. It is the intent of the Legislature in enacting this article that the numbering of the state highway system be simplified and clarified and that signs placed on highways indicating the numbers thereof designate only one number for each highway wherever feasible. Therefore, the department is directed to take all steps necessary to conform signs designating numbers on the state highway system to the numbers given the routes in this article at the earliest practical time. The department is also directed to use the numbers in this article in designating numbers on highways in the future. The Legislature recognizes that signs on certain routes on the federal interstate highway system in California should designate both U.S. sign numbers and the interstate numbers until such highways are substantially constructed to interstate standards, or until a later time if the department finds it necessary to properly guide motorists. Therefore, notwithstanding any other provision of this section, the department is directed, on any interstate highway it determines to be appropriate, to place or maintain the proper U.S. number thereon, together with the interstate number on the completed portions thereof, until the highway is substantially constructed to interstate standards, or until a later time if the department finds it necessary to properly guide motorists. The Legislature further recognizes that there are instances where one route of travel must coincide with another route of travel, and when this occurs for relatively short distances and notwithstanding any other provision of this section, the Department of Public Works is directed to place signs indicating two or more appropriate route numbers on the same highway where it determines that such is desirable to properly guide motorists.

SEC. 3. Section 253 of said code is repealed.

SEC. 4. Section 253 is added to said code, to read:

253. The California Freeway and Expressway System is hereby established and shall be composed of the following highways:

Routes 5, 6, 7, 8, 10, 12, 13, 14, 15, 17, 18, 21, 24, 29, 30, 31, 32, 34, 37, 40, 44, 47, 48, 50, 52, 53, 54, 55, 56, 57, 59, 60, 61, 64, 65, 67, 68 69, 70, 71, 74, 78, 81, 83, 85, 88, 89, 90, 92, 93, 97, 100, 102, 103, 105, 106, 108, 109, 110, 111, 117, 118, 121, 122, 124, 125, 126, 133, 134, 136, 140, 141, 143, 145, 148, 149, 150, 152, 154, 156, 157, 161, 164, 170, 171, 179, 181, 183, 184, 186, 196, 199, 205, 208, 210, 221, 223, 230, 234, 235, 237, 238, 239, 240, 242, 243, 244, 247, 249, 251, 252, 405, 505, 580, 605, 680, 805 and 880 in their entirety.

Route 1 from:

(a) Route 5 south of San Juan Capistrano to Route 101 near El Rio.

(b) Route 101 near Las Cruces to Route 101 near Pismo Beach.

(c) San Luis Obispo to San Simeon.

(d) Carmel to Route 280 south of San Francisco.

(e) A connection from Route 280 to Route 82 near the south boundary of the City and County of San Francisco.

(f) Route 101 near the southerly end of Marin Peninsula to the vicinity of Valley Ford.

(g) Route 128 near the mouth of the Navarro River to Route 208 near Rockport.

Route 2 from Route 405 near Santa Monica to Route 138.

Route 3 from Route 299 near Weaverville to Route 5 near Yreka.

Route 4 from:

(a) Route 80 near Hercules to Route 99 near Stockton.

(b) Route 99 near Stockton to Route 65.

Route 11 from San Pedro to Route 248 in Pasadena.

Route 16 from:

(a) Route 505 to Route 5 near Woodland.

(b) Route 50 near Perkins to Route 49 near Drytown.

Route 20 from Route 101 to Route 80 near Emigrant Gap.

Route 22 from:

(a) Route 1 near Long Beach to Route 405.

(b) Route 405 to Route 55 near Orange.

Route 23 from:

(a) Route 101 near Newbury Park to Route 118.

(b) Route 118 to Route 126 near Fillmore.

Route 33 from:

(a) Route 101 near Ventura to Route 150.

(b) Route 150 to Route 166 near Maricopa.

Route 35 from Route 17 to Route 92.

Route 36 from:

(a) Route 5 at Red Bluff to Route 395.

(b) Route 139 north of Susanville to Route 395 near Ravendale.

Route 38 from Route 10 near Redlands to Route 18 near Baldwin Lake.

Route 39 from Route 1 near Huntington Beach to Route 210.

Route 41 from:

(a) Route 1 near Morro Bay to Route 101 near Atascadero.

(b) Route 46 to Route 99 near Fresno.

(c) Route 99 near Fresno to Route 180.

(d) Route 180 to Yosemite National Park.

Route 42 from Route 405 to Route 91 in Santa Ana Canyon.

Route 43 from Route 5 to Route 99 near Selma.

Route 45 from Route 20 near Colusa to Route 32 near Hamilton City.

Route 46 from Route 101 in San Luis Obispo County to Route 99 near Bakersfield.

Route 49 from:

(a) Route 41 near Oakhurst to Route 140 near Mariposa.

(b) Route 120 to Route 108 near Sonora.

(c) Route 88 near Jackson to Route 50 near Placerville.

(d) Route 80 near Auburn to Route 20 near Grass Valley.

(e) Route 20 at Nevada City to Route 89 near Sattley.

(f) Route 89 near Sierraville to Route 70 near Vinton.

Route 58 from:

(a) Route 5 to Route 43.

(b) Route 43 to Route 99.

(c) Route 99 near Bakersfield to Route 15 near Barstow.

Route 62 from Route 10 near White Water to Route 247 near Yucca Valley.

Route 63 from:

(a) Route 137 near Tulare to Route 198.

(b) Route 198 to Route 65 near Orosi.

Route 73 from:

(a) Route 1 near Corona Del Mar to Route 405.

(b) Route 405 to Route 55.

Route 75 from Route 125 east of Brown Field to Route 5 near the south end of San Diego Bay.

Route 76 from Route 5 near Oceanside to Route 395.

Route 77 from Route 580 in Oakland to Route 242 near Concord.

Route 79 from:

(a) Route 8 near Descanso to Route 78.

(b) Route 74 near Hemet to Route 10 near Beaumont.

Route 80 from Route 101 in San Francisco to the Nevada state line near Verdi, Nevada.

Route 82 from:

(a) Route 1 near the south boundary of the City and County of San Francisco to Route 101.

(b) Route 101 near Alemany Boulevard to Route 87 in San Francisco.

Route 84 from:

(a) Route 1 to Route 35.

(b) Route 35 to Route 238 via the Dumbarton Bridge.

(c) Route 680 near Scotts Corners to Route 580.

(d) Route 580 to Route 4 near Brentwood.

(e) Route 4 near Antioch to Route 80 near Broderick.

Route 86 from Route 78 near Brawley to Route 10 near Indio.

Route 87 from:

(a) San Jose easterly of the Bayshore Freeway to Route 230.

(b) Route 230 to Route 480 near the San Francisco-Oakland Bay Bridge.

Route 91 from Route 405 to Route 395 near Riverside.

Route 94 from Route 5 near San Diego to Route 54 near Jamacha Road.

Route 95 from Route 10 near Blythe to Route 40 near Needles.

Route 99 from:

(a) Route 5 south of Bakersfield to Route 80 in Sacramento.

(b) Route 5 in Sacramento to Route 20.

(c) Route 20 to Route 5 near Red Bluff.

Route 101 from:

(a) The junction of Routes 105 and 110 in Los Angeles to Route 80 in San Francisco.

(b) A point in Marin County opposite San Francisco to the Oregon state line north of Crescent City.

Route 107 from Route 1 near Torrance to Route 405 near Lawndale.

Route 113 from Route 80 near Davis to Route 99 near Tudor.

Route 116 from Route 181 near Forestville to Route 101 near Cotati.

Route 120 from:

(a) Route 5 near Mossdale to the west boundary of Yosemite National Park.

(b) The east boundary of Yosemite National Park to Route 395 near Mono Lake.

Route 127 from Route 15 near Baker to Route 190 near Death Valley Junction.

Route 128 from:

(a) The mouth of the Navarro River to Route 101 near Cloverdale.

(b) Route 101 near Geyserville to Route 29 near Calistoga.

(c) Route 121 to Route 113 near Davis.

Route 132 from:

(a) Route 580 west of Vernalis to Route 99 at Modesto.

(b) Route 99 to Route 65.

Route 137 from Route 99 near Tulare to Lindsay.

Route 138 from Route 5 near Gorman to Route 15 near Cajon Pass.

Route 139 from:

(a) Route 36 near Susanville to Route 36.

(b) Route 299 near Canby to the Oregon state line near Hatfield.

Route 142 from Route 71 near Chino to Route 30 near Upland.

Route 160 from Sacramento to Route 80 near North Sacramento.

Route 166 from:

(a) Route 101 near Santa Maria to Route 33 in Cuyama Valley.

(b) Route 33 near Maricopa to Route 5.

Route 168 from Route 41 near Fresno to Huntington Lake.

Route 178 from:

(a) Route 99 in Bakersfield to Route 14 near Freeman.

(b) Route 14 near Freeman to the vicinity of the San Bernardino county line.

Route 180 from:

(a) Route 156 to Route 99 near Fresno.

(b) Route 99 near Fresno to General Grant Grove section of Kings Canyon National Park.

Route 190 from Route 136 near Keeler to Route 127 near Death Valley Junction.

Route 193 from Route 65 near Lincoln to Route 80 near Newcastle.

Route 198 from Route 5 near Oilfields to the Sequoia National Park line.

Route 209 from Route 109 to Route 5 in San Diego.

Route 280 from Route 680 near San Jose to the San Mateo-San Francisco county line.

Route 299 from:

(a) Route 101 near Arcata to Route 5 at Redding.

(b) Route 5 at Redding to Route 395 at Alturas.

Route 395 from:

(a) San Diego to Route 10 near San Bernardino.

(b) Route 15 near Cajon Pass to the Nevada state line.

(c) Nevada state line northwest of Reno to Route 36 near Johnstonville.

(d) Route 36 near Ravendale to the Oregon state line.

Route 480 from Route 80 at the San Francisco-Oakland Bay Bridge approach in San Francisco to Bay Street and The Embarcadero.

SEC. 5. The Legislature intends by this act to rearrange the numbers of the state highway system in a more logical and simple manner and to provide for signing on such a basis. The Legislature intends to accomplish these objectives without making any changes in the length, termini, or control points of any state highway. Any reference to a state highway by number in any existing statute shall be deemed a reference to the same state highway as renumbered by this act.

SEC. 6. This act shall become operative on July 1, 1964, except that upon the effective date of the act the commission and the department may do all acts and perform all steps necessary or desirable to put in effect as many purposes of the act as are practical on its operational date.

CHAPTER 386

An act to add Article 4 (commencing with Section 26520) to Chapter 3 of Division 12 of the Vehicle Code, relating to vacuum brakes on vehicles.

[Approved by Governor May 13, 1963. Filed with Secretary of State May 13, 1963.]

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

SECTION 1. Article 4 (commencing with Section 26520) is added to Chapter 3 of Division 12 of the Vehicle Code, to read:

Article 4. Vacuum Brakes

26520. Motor vehicles required to be equipped with power brakes and which are equipped with vacuum or vacuum-assisted brakes shall be equipped with a properly maintained vacuum gauge of reliable and satisfactory construction, accurate within 10 percent of the actual vacuum in the supply reservoir, and visible and legible to the driver at all times.

This section shall not apply to a two-axle motor truck operated singly.

26521. Motor vehicles required to be equipped with power brakes and equipped with vacuum or vacuum-assisted brakes and motor vehicles used to tow vehicles equipped with vacuum brakes or vacuum-assisted brakes shall be equipped with either an audible or visible warning signal to indicate readily to the driver when the vacuum drops to eight inches of mercury and less. A vacuum gauge shall not be deemed to meet this requirement.

This section shall not apply to a two-axle motor truck operated singly nor to any motor vehicle manufactured prior to 1964.

26522. Vehicles required to be equipped with power brakes and equipped with vacuum or vacuum-assisted brakes shall have a check valve installed and properly maintained in the vacuum system between the source of vacuum and the vacuum reserve.

CHAPTER 387

An act to amend Section 65020.2 of the Government Code, relating to the Planning Advisory Committee.

[Approved by Governor May 13, 1963. Filed with Secretary of State May 13, 1963.]

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

SECTION 1. Section 65020.2 of the Government Code is amended to read:

65020.2. The committee shall consist of 11 members appointed by the Governor and serving at his pleasure, selected as follows:

(a) Five representing the counties, two of whom shall be county supervisors, two members of county planning commissions and one a county planning director.

(b) Five representing the cities, two of whom shall be city councilmen, two city planning commission members, and one a city planning director.

(c) A member representing the schools who shall be a county superintendent of schools.

Whenever a member ceases to hold the official position which qualifies him for membership on the Planning Advisory Committee, he shall automatically cease to be a member of the committee.

CHAPTER 388

An act to add Section 5783.11 to the Public Resources Code, relating to the Lucerne Recreation and Park District.

[Approved by Governor May 13, 1963. Filed with Secretary of State May 13, 1963.]

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

SECTION 1. Section 5783.11 is added to the Public Resources Code, to read:

5783.11. Notwithstanding any other provision of this chapter, the district board of the Lucerne Recreation and Park District, in Lake County, may provide, by resolution, that henceforth all of the members of the board of directors shall be elected. Not less than 20 days nor more than 40 days after the adoption of the resolution the district board shall call an election in accordance with this article for the election of members of the board of directors.

At such election the three nominees receiving the largest vote shall be considered as having been elected for a term ending upon the date of the second succeeding general district election. The two nominees receiving the fourth and fifth largest number of votes shall be considered as having been elected for a term ending upon the date of the next general district election. In all subsequent elections, members of the board of directors shall be elected for four-year terms.

Upon the qualification of the members of the board of directors, elected in accordance with the provisions of this section, the terms of all members of the appointed board of directors shall expire.

Any vacancy in the office of a member elected to the district board pursuant to this section shall be filled in the manner prescribed by Section 5781.13.

CHAPTER 389

An act to amend Section 1083.1 of the Agricultural Code, relating to commercial feeding stuffs.

[Approved by Governor May 14, 1963. Filed with Secretary of State May 14, 1963.]

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

SECTION 1. Section 1083.1 of the Agricultural Code is amended to read:

1083.1. Any person who sells, or who manufactures, processes, or mixes, for another, or who distributes commercial feeding stuffs shall, before engaging in such activity, obtain for each plant operated a license from the director authorizing him to sell, manufacture, process, mix or distribute commercial feeding stuffs. However, any person who makes only retail sales of commercial feeding stuffs need not obtain a license if all the commercial feeding stuffs he sells bear the tag, stamp, or other approved indication that the commercial feeding stuffs are from a licensed manufacturer or guarantor who has assumed full tax responsibility for the tonnage tax due under Section 1083.5 of this chapter. No person shall be entitled to such a license unless he shall have an established plant, warehouse or place of business as defined in this chapter.

Each application for license shall be accompanied by a fee of five dollars ($5) for each plant for each fiscal year or portion thereof beginning July 1st. Each license shall be renewed annually and each application for renewal shall be accompanied by a fee of five dollars ($5) for each plant operated. If a license is not renewed within one calendar month after the beginning of the fiscal year, there shall be added to the fee a penalty of five dollars ($5). No penalty shall be collected if the person relicensed presents evidence satisfactory to the director that no business was done during the period when no license was held. The payment of such fee and penalty is not a bar to any prosecution for doing business without license.

CHAPTER 390

An act to amend Sections 336.1, 337.8, 339.1, 339.6, and 349 of, and to add Section 337.65 to, the Agricultural Code, relating to cattle protection.

[Approved by Governor May 14, 1963. Filed with Secretary of State May 14, 1963.]

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

SECTION 1. Section 336.1 of the Agricultural Code is amended to read:

336.1. The bureau shall maintain a record of all brands now or hereafter recorded, except forfeited or canceled brands subject to Section 337.8.

SEC. 2. Section 337.65 is added to said code, to read:

337.65. The issuance to a person of a cattle brand registration certificate confers upon the person to whom issued the right to use the same brand on the same location on horses, mules, burros, sheep and swine when not in conflict with a previously recorded brand.

SEC. 3. Section 337.8 of said code is amended to read:

337.8. The records of brands which have been forfeited or canceled for more than five years may be removed from the files and destroyed.

SEC. 4. Section 339.1 of said code is amended to read:

339.1. The fee for each application for recording a brand is five dollars ($5). Such fee shall entitle the applicant to the recordation of one brand and one duplicate brand registration certificate. The fee for each additional duplicate is two dollars ($2). If the applicant fails to submit within 60 days of the date of receipt by the department of his application all information and documents required by Article 3 (commencing at Section 336) of this chapter, the application shall lapse and the applicant shall not be entitled to recordation of his brand unless and until he shall have submitted a new application and the additional fee therefor.

SEC. 5. Section 339.6 of said code is amended to read:

339.6. When the right to use a brand is suspended as of such January 1st, it may be reinstated within the calendar year in which the suspension occurs upon the payment of a reinstatement fee of six dollars ($6).

SEC. 6. Section 349 of said code is amended to read:

349. It is unlawful for any inspector to issue a certificate of inspection unless such inspection was personally made between sunrise and sunset.

CHAPTER 391

An act to add Section 9708 to the Government Code, relating to legislative printing.

[Approved by Governor May 14, 1963. Filed with Secretary of State May 14, 1963.]

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

SECTION 1. Section 9708 is added to the Government Code, to read:

9708. Whenever the Senate or the Assembly undertakes to publish in a separate volume the Constitution of the State of California and related documents, the text of such a volume shall be specified by the Joint Committee on Legislative Organization.

CHAPTER 392

An act to amend Section 13606 of the Government Code, relating to the compiling and publication of the State Blue Book and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 14, 1963. Filed with Secretary of State May 14, 1963.]

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

SECTION 1. Section 13606 of the Government Code is amended to read:

13606. In the year 1963 and in every fourth year thereafter the State Printing Office shall, with the approval of the department, compile or cause to be compiled, published and distributed a State Blue Book.

The Blue Books shall be compiled following the convening of the session of the Legislature in the year for which the Blue Book is to be compiled and published and material therein pertaining to the Legislature shall be compiled under the direction of the Secretary of the Senate and the Chief Clerk of the Assembly as pertaining to their respective houses.

The Blue Book shall contain only such material as the Joint Committee on Legislative Organization finds to be appropriate.

The cost of such compilation, publication and distribution shall be paid from any appropriation made for that purpose.

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

Because of the 34 new members elected to the Assembly and the 9 new members elected to the Senate at the 1962 general election, as well as other changes in the personnel of both the Legislature and other state elective and appointive offices that have occurred since publication of the 1961 California Blue Book, it is in the public interest that a new edition of the Blue Book be compiled and published as soon as possible so that a source of information will be available for the citizens to obtain background information concerning the public officers who serve them. In order to provide for publication at the earliest possible time, it is necessary that this act take effect immediately.

CHAPTER 393

An act to add Section 172g to, and to amend Sections 172e and 172f of, the Penal Code, relating to sale of alcoholic beverages.

[Approved by Governor May 14, 1963. Filed with Secretary of State May 14, 1963.]

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

SECTION 1. Section 172g is added to the Penal Code, to read:

172g. 1. Every person who, within one mile of that portion of the grounds of La Verne College (as determined by the County of Los Angeles to be tax exempt for educational purposes), sells, or exposes for sale, any intoxicating liquor, is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars ($100), or by imprisonment in the county jail of not less than 50 days nor more than one year, or by both such fine and imprisonment in the discretion of the court.

2. The provisions of this section shall not apply to the sale, gift, or exposing or offering for sale of ale, porter, wine, similar fermented malt or vinous liquor or fruit juice containing one-half of 1 percent or more of alcohol by volume and not more than 3.2 percent of alcohol by weight nor the sale, gift, or exposing or offering for sale of beer.

3. Distances provided in this section shall be measured not by air line but by following the shortest road or roads connecting the points in question.

SEC. 2. Section 172e of said code is amended to read:

172e. The provisions of Sections 172, 172a, 172b, 172d, and 172g of this code shall not apply to the sale or the exposing or offering for sale of alcoholic beverages by an on-sale licensee under the Alcoholic Beverage Control Act within premises licensed as a bona fide public eating place as provided in the Constitution and as defined in the Alcoholic Beverage Control Act (commencing at Section 23000, Business and Professions Code), and the provisions of such sections shall not be construed so as to preclude the Department of Alcoholic Beverage Control from issuing licenses for bona fide public eating places within the areas prescribed by the sections.

SEC. 3. Section 172f of said code is amended to read:

172f. The provisions of Sections 172, 172a, 172b, 172d, and 172g of this code shall not apply to the sale or the exposing or offering for sale of any intoxicating liquor in any premises within the areas prescribed by said sections for which a license was issued under the Alcoholic Beverage Control Act (Division 9 (commencing with Section 23000), Business and Professions Code) and is in effect on the effective date of this section, or in any licensed premises which may become included in such a prescribed area because of the extension of

the boundaries of any of the institutions mentioned in said sections or because of the increased enrollment or number of resident students at any of such institutions.

Any such licenses may be transferred from person to person, and may be transferred from premises to premises if the premises to which the license is transferred are not located nearer to the boundaries of the institution, as they exist on the date of the transfer, than the premises from which the license is transferred.

CHAPTER 394

An act to repeal Article 3 (commencing with Section 27601) of Chapter 4, Division 20 of, and to add Article 3 (commencing with Section 27601) to Chapter 4, Division 20 of, the Education Code, relating to library districts.

[Approved by Governor May 14, 1963. Filed with Secretary of State May 14, 1963.]

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

SECTION 1. Article 3 (commencing with Section 27601) of Chapter 4, Division 20 of the Education Code is repealed.

SEC. 2. Article 3 (commencing with Section 27601) is added to Chapter 4, Division 20 of said code, to read:

Article 3. Annual Election of Trustees

27601. An election shall be held in each library district, annually, on the first Tuesday in June, for the election of one library trustee, who shall hold office for three years, dating from the first day of July next succeeding his election or until his successor is elected, or appointed, and qualified. The election shall be consolidated with state primary election held in even-numbered years.

27602. The number of library trustees for any library district established under the provisions of this chapter is three.

27603. The board of trustees shall establish a convenient number of election precincts in the district, and define the precinct boundaries.

27604. If the board of trustees deems it for the best interests of the district and the convenience of the voters, it may at any time, but not less than 30 days before the election, change the boundaries of an election precinct. When made, the change shall be entered in the board minutes.

27605. By order made more than 30 days before the election, the board of trustees shall designate a convenient place within each precinct as the polling place.

27606. Not less than 30 days before the election, the trustees shall post notices in three public places in each election precinct, one of which places shall be the public library, and

cause such notice to be published in a newspaper of general circulation in the district. The notices shall specify the time and place of election, and the hours during which the polls will be kept open. If within 10 days of holding the election the trustees have failed to post the notices, then any three electors of the district may give notice In odd-numbered years, not less than 10 days before the day fixed for the election, the board of trustees shall mail to each registered voter residing within the district, a card designating the polling place, time of the election, names of candidates and containing a statement of the purpose of the election In even-numbered years, notification of time of election and polling place shall be mailed to each registered voter residing within the district with the notification of state primary election.

27607. Not less than 30 days before the election any 10 or more qualified electors, as determined by Section 27610, may file with the board of trustees a petition requesting that the name of a specified person be placed on the ballot as candidate for the office of trustee. Only the names proposed by such petitions shall be printed on the ballot, but sufficient blank spaces shall be provided in which electors may write other names.

27608. The board of trustees shall appoint an election board, consisting of an inspector and two judges to conduct the election, for each precinct. If they are not appointed, or, if those appointed are not present at the opening of the polls, the electors present may apppoint them, and they shall conduct the election. Any member of the board of library trustees is qualified to administer the oath and swear in the election officers.

27609. In library districts with a population of 10,000 or over, the polls shall be open at 8 o'clock a.m., and kept open until 7 o'clock p.m. In the districts where the population is less than 10,000 the polls shall not be opened before 1 o'clock p.m. and shall be kept open not less than six hours.

27610. Every elector, resident of the library district, who is a qualified elector of the county, and who is registered in the district where the election is held at least 54 days before the election, may vote at the election.

27611. Voting shall be by ballot, which shall be handed by the elector voting to the inspector, who shall then, in his presence, deposit the ballot in the ballot box, and the judges shall enter the elector's name on the poll list. The board of trustees shall prescribe the form of ballot.

27612 Any person offering to vote may be challenged by any elector of the district, and the judges of election shall thereupon administer to the person challenged an oath, in substance as follows: "You do swear that you are a citizen of the United States, that you are 21 years of age, that you have resided in this State one year, in this county 90 days, and in this library district 54 days preceding this election, and that your name is on the great register of this county and was on

the great register of a precinct of this library district at least 54 days before this election, and that you have not before voted this day." If he takes the oath, his vote shall be received. Otherwise his vote shall be rejected.

27613. A poll and tally list shall be kept and shall be returned to the board of library trustees.

27614. The person receiving the highest number of votes shall be elected.

27615. The officers of election shall publicly canvass the votes immediately after closing the polls, and shall make, sign, and deliver certificates of election to the person elected, which shall, with the oath of office of the person elected attached, be forwarded to the county clerk and filed in his office.

27616. In all particulars not provided for in this article, the election shall be held pursuant to the general election laws of the State.

CHAPTER 395

An act to amend Section 4081 of the Business and Professions Code, relating to pharmacy.

[Approved by Governor May 14, 1963. Filed with Secretary of State May 14, 1963.]

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

SECTION 1. Section 4081 of the Business and Professions Code is amended to read:

4081. (a) Each application to conduct a pharmacy shall be made on a form furnished by the board, and shall state the name, address, usual occupation, and professional qualifications, if any, of the applicant. If the applicant is other than a natural person, the application shall state such information as to each person beneficially interested therein.

(b) As used in this section, and subject to the provisions of subdivision (c) of this section, the term "person beneficially interested" means and includes:

(1) If the applicant is a partnership or other unincorporated association, each partner or member.

(2) If the applicant is a corporation, each of its officers, directors and stockholders, provided that no natural person shall be deemed to be beneficially interested in a nonprofit corporation.

(c) In any case where the applicant is a partnership or other unincorporated association, or is a corporation, and where the number of partners, members or stockholders, as the case may be, exceeds five, the application shall so state, and shall further state such information as to each of the five partners, members or stockholders who own the five largest interests in the applicant entity. Upon request by the executive secretary, the applicant shall furnish the board with such

information as to partners, members or stockholders not named in the application, or shall refer the board to an appropriate source of such information.

(d) Upon the approval of such application by the board and paying the fee required by this chapter for each pharmacy, the executive secretary of the board shall issue a permit to conduct a pharmacy under the provisions of Section 4080, if all of the provisions of this chapter have been complied with. Any other provision of law notwithstanding, such permit shall authorize the holder to conduct a pharmacy and to sell and dispense prophylactics, hypodermics, hypnotics, and poisons. The permit shall be renewed annually on or before November 1st of each year and shall not be transferable, and any change in the beneficial ownership interest of such pharmacy shall be reported within 30 days thereafter upon a form to be furnished by the board.

CHAPTER 396

An act to amend Section 25662 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor May 14, 1963. Filed with Secretary of State May 14, 1963.]

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

SECTION 1. Section 25662 of the Business and Professions Code is amended to read:

25662. Any person under the age of 21 years who has any alcoholic beverage in his possession on any street or highway or in any public place or in any place open to the public is guilty of a misdemeanor. This section does not apply to possession by a person under the age of 21 years making a delivery of an alcoholic beverage in pursuance of the order of his parent or in pursuance of his employment.

CHAPTER 397

An act to amend Section 22352 of the Vehicle Code, relating to speed limits.

[Approved by Governor May 14, 1963 Filed with Secretary of State May 14, 1963.]

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

SECTION 1. Section 22352 of the Vehicle Code is amended to read:

22352. The prima facie limits are as follows and the same shall be applicable unless changed as authorized in this code

and, if so changed, only when signs have been erected giving notice thereof:

(a) Fifteen miles per hour:

(1) When traversing a railway grade crossing, if during the last 100 feet of the approach to the crossing the driver does not have a clear and unobstructed view of the crossing and of any traffic on the railway for a distance of 400 feet in both directions along such railway. This subdivision does not apply in the case of any railway grade crossing where human flagman is on duty or a clearly visible electrical or mechanical railway crossing signal device is installed but does not then indicate the immediate approach of a railway train or car.

(2) When traversing any intersection of highways if during the last 100 feet of his approach to the intersection the driver does not have a clear and unobstructed view of the intersection and of any traffic upon all of the highways entering the intersection for a distance of 100 feet along all such highways, except at an intersection protected by stop signs or yield-right-of-way signs or controlled by official traffic control signals.

(3) On any alley.

(b) Twenty-five miles per hour:

(1) On any highway other than a state highway, in any business or residence district unless a different speed is determined by local authority under procedures set forth in this code.

(2) When passing a school building or the grounds thereof, contiguous to a highway and posted with a standard "SCHOOL" warning sign, while children are going to or leaving such school during opening or closing hours or during the noon recess period. Such prima facie limits shall also apply when passing any school grounds which are not separated from the highway by a fence, gate or other physical barrier while the grounds are in use by children and the highway is posted with a standard "SCHOOL" warning sign.

CHAPTER 398

An act to amend Section 1276 of the Education Code, relating to governing board member recall elections.

[Approved by Governor May 14, 1963. Filed with Secretary of State May 14, 1963.]

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

SECTION 1. Section 1276 of the Education Code is amended to read:

1276. Any registered voter of the district, except the governing board member whose recall is sought, may become a candidate for election at a recall election in the manner pro-

vided in Sections 935 to 974, inclusive. The declaration of candidacy of any such candidate shall be filed with the county superintendent of schools not less than 30 days prior to the election.

CHAPTER 399

An act to amend Section 24200.5 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor May 14, 1963. Filed with Secretary of State May 14, 1963.]

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

SECTION 1. Section 24200.5 of the Business and Professions Code is amended to read:

24200.5 Notwithstanding the provisions of Section 24200, the department shall revoke a license upon any of the following grounds:

(a) If a retail licensee has knowingly permitted the illegal sale, or negotiations for such sales, of narcotics or dangerous drugs upon his licensed premises. Successive sales, or negotiations for such sales, over any continuous period of time shall be deemed evidence of such permission. As used in this section, "narcotics" shall have the same meaning as is given that term in Article 1 (commencing with Section 11000) of Chapter 1 of Division 10 of the Health and Safety Code, and "dangerous drugs" shall have the same meaning as is given that term in Article 8 (commencing with Section 4210) of Chapter 9 of Division 2 of this code.

(b) If the licensee has employed or permitted any persons to solicit or encourage others, directly or indirectly, to buy them drinks in the licensed premises under any commission, percentage, salary, or other profit-sharing plan, scheme, or conspiracy.

CHAPTER 400

An act to amend Section 16304.1 of the Government Code, relating to reversions of undisbursed balance of appropriations.

[Approved by Governor May 14, 1963. Filed with Secretary of State May 14, 1963.]

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

SECTION 1. Section 16304.1 of the Government Code is amended to read:

16304.1 Disbursements in liquidation of encumbrances may be made before or during the two years following the last day

an appropriation is available for encumbrance. Whenever, during such two-year period, the Director of Finance determines that the project for which the appropriation was made is completed and that a portion of the appropriation is not necessary for disbursements, such portion shall, upon order of the Director of Finance, revert to and become a part of the fund from which the appropriation was made. Upon the expiration of two years following the last day of the period of its availability, the undisbursed balance in any appropriation shall revert to and become a part of the fund from which the appropriation was made. Subsequent to reversion any unpaid encumbrance against the appropriation may be paid, with approval of the Board of Control, from any current appropriations available for the same purposes.

To the extent that appropriations are exempt from limitations as to periods of availability under Section 16304, they shall not be subject to the provisions of this section.

CHAPTER 401

An act to add Section 2.3 to, and to amend Sections 4, 7, 8 and 13½ of, the Orange County Flood Control Act, Statutes of 1927, Chapter 723, relating to Orange County flood control.

[Approved by Governor May 14, 1963 Filed with Secretary of State May 14, 1963.]

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

SECTION 1. Section 2.3 is added to Chapter 723 of the Statutes of 1927, to read:

Sec. 2.3. In addition to its other powers, the board of supervisors shall have the power to permit recreational uses of the flood control district's properties upon a finding by the board of supervisors that said use will not impair or diminish existing or probable future requirements for flood prevention and water conservation. If the board of supervisors permits recreational use of the district's properties pursuant to this section, the board may set charges for such use sufficient to cover the costs of the district, or the estimated costs, incurred by the district in making and maintaining such facilities available for recreational use.

SEC. 2. Section 4 of said act is amended to read:

Sec. 4. Said board of supervisors shall have jurisdiction and power, and it shall be their duty to employ by resolution a competent engineer or engineers to investigate carefully the best plan to control the flood and storm waters of said district, and the flood and storm waters of streams that have their source outside of said district but which stream and the floodwaters thereof flow into said district, and to conserve such

waters for beneficial and useful purposes by spreading, storing, retaining or causing to percolate into the soil within or without said district, or to save or conserve in any manner, any or all of such waters, and to protect the harbors, waterways, public highways and property in said district from damage from such waters; and to obtain such other information in regard thereto as may be deemed necessary or useful for carrying out the purposes of this act, and such resolution shall direct such engineer or engineers to make and file a report with said board of supervisors which shall show:

1. A general description of the work to be done.

2. General plans, profiles, cross-sections and general specifications of the work to be done.

3. A general description of the lands, rights-of-way, easements and property proposed to be taken, acquired or injured in carrying out said work including existing drainage works.

4. A map which shall show the location of the proposed work and improvements, and lands, rights-of-way, easements and property to be taken, acquired or injured in carrying out said work, and any other information in regard to the same that may be deemed necessary or useful.

5. An estimate of the cost of such work, including an estimate of the cost of lands, rights-of-way, easements and property proposed to be taken, acquired or injured in carrying out said work, and also of all incidental expenses likely to be incurred in connection therewith, including legal, clerical, engineering, superintendence, inspection, printing and advertising, and stating the total amount of bonds necessary to be issued to pay for the same.

Such engineer or engineers, employed by said resolution shall have power and authority, subject to the control and direction of said board of supervisors, to employ such engineers, surveyors and others as may be required for making all surveys or doing any other work necessary for the making of such report.

The said board of supervisors may at any time remove any or all of the engineers or employees appointed or employed under this act, and may fill any vacancies occurring among them from any cause.

SEC. 3. Section 7 of said act is amended to read:

Sec. 7. The said board of supervisors shall, subject to the provisions of this act, prescribe by ordinance the form of said bonds, and of the interest coupons attached thereto. Said bonds shall be payable substantially in the following manner: The board of supervisors may divide the principal amount of any issue into two or more series and fix different dates for the bonds of each series. The bonds of one series may be made payable at different times from those of any other series; provided, that the earliest maturity of each issue or series, as the case may be, shall not be more than two years from the

date of the bonds of said issue or series. The final maturity date of any bond shall not exceed 40 years from the date of the bond. Every year beginning with the date of the earliest maturity of each issue or series of bonds, as the case may be, not less than one-fortieth of the whole of the indebtedness evidenced by such issue or such series shall be payable.

The bonds shall be issued in such denomination as the said board of supervisors may determine, except that no bonds shall be of a less denomination than one hundred dollars ($100), nor of a greater denomination than one thousand dollars ($1,000), and shall be payable on the day and at the place fixed in said bonds, and with interest at the rate specified in such bonds, which rate shall not be in excess of 6 per centum per annum, and shall be payable semiannually, and said bonds shall be signed by the chairman of the board of supervisors, and countersigned by the auditor of said Orange County, and the seal of said district shall be affixed thereto. The interest coupons of said bonds shall be numbered consecutively and signed by the auditor of Orange County by his engraved or lithographed signature. In case any such officer whose signatures or countersignatures appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such signature or countersignature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of the bonds

SEC. 4. Section 8 of said act is amended to read:

Sec. 8. The said board of supervisors may issue and sell the bonds of such district authorized as hereinbefore provided at not less than par value, and the proceeds of the sale of such bonds be placed in the treasury of the County of Orange to the credit of said district, and the proper record of such transactions shall be placed upon the books of said county treasury, and said district fund shall be applied exclusively to the purposes and objects mentioned in the ordinance calling such special bond election as aforesaid, subject to the provisions in this act contained. Whenever the acquisition of existing drainage works are included within the purposes and objects in the ordinance calling such special bond election and when subsequent to such an election the owner of such existing drainage works declines to transfer such facilities to the Orange County Flood Control District, the board of supervisors may use the proceeds of such bond election which were to be used for the acquisition of such existing facilities for the acquisition of other lands, rights-of-way, easements and for the construction of other flood control facilities. Payments from said district fund shall be made upon demands prepared, presented, allowed and audited in the same manner as demands upon the funds of the County of Orange.

SEC. 5. Section 13½ of said act is amended to read:

SEC. 13½. The board of supervisors of said Orange County Flood Control District, by a four-fifths vote, may accept on behalf of said district a transfer and conveyance of any storm drain improvements, drainage improvements or drainage systems lying within the territorial limits of the flood control district and within any of the following described classes, to wit:

1. Those which were constructed under the jurisdiction, control or supervision of the board of supervisors of the County of Orange and which are under the jurisdiction of said board;

2. Those which were constructed by or for the County of Orange or any drainage district within said county or by or for the Orange County Flood Control District;

3. Those constructed pursuant to the provisions of an act entitled "An act to promote the drainage of wet, swamp and overflowed lands, and to promote the public health in communities in which they lie," approved March 21, 1903, as amended, and those which have been constructed pursuant to the provisions of the Drainage District Improvement Act of 1919, as amended, prior to January 1, 1939;

4. Those within any incorporated city, town or municipality of the County of Orange whose legislative body has transferred and conveyed such storm drain improvements, drainage improvements or drainage systems to said flood control district and incorporated cities, towns and municipalities lying within the County of Orange are hereby authorized to transfer and convey such storm drain improvements, drainage improvements or drainage systems to said flood control district. Upon the transfer or conveyance to said flood control district of any such storm drain improvements, drainage improvements or drainage systems, to pay the cost and expense of the construction of which bonds have been issued, said flood control district shall thereupon be and become liable for the payment of the principal upon the bonds maturing subsequent to the date of such conveyance and upon the indebtedness represented by interest coupons maturing subsequent to such date of transfer. The board of supervisors of the flood control district shall levy a special tax each year upon the taxable real property in said flood control district sufficient to pay the principal and interest on the bonds as such principal and interest become due subsequent to the date of such conveyance and transfer. Such tax shall be levied and collected on said real property at the time and in the same manner as the general tax levy for county purposes, and when collected shall be paid into the county treasury of said County of Orange and shall be used for the payment of the principal and interest on said bonds and for no other purpose. The principal and interest on such bonds shall be paid from the county treasury of said County of Orange in the manner provided by law for the payment of

principal and interest on bonds of said county. Whenever the acquisition of such drainage facilities has been included within a bond proposal of the flood control district and the electors have authorized the acquisition of such existing facilities and the issuance of bonds therefor, the board of supervisors in lieu of levying a special tax to pay the principal and interest of any bonds which have been heretofore issued and to pay the cost and expense of construction shall use the proceeds of the flood control district bond issue to retire the bonds on the facilities so acquired.

Upon the transfer or conveyance to said flood control district of any such storm drain improvements, drainage improvements or drainage systems, and acceptance by the board of supervisors said flood control district shall thereafter do all things necessary for the proper operation, maintenance, repair and improvement of any such storm drain improvements, drainage improvements or drainage systems.

The board of supervisors of the flood control district shall have power in any year to levy a special tax upon the taxable real property in said flood control district sufficient to pay the cost and expense of operating, maintaining, repairing and improving the storm drain improvements, drainage improvements, or drainage systems so conveyed and transferred, which said tax shall be levied and collected at the same time and in the same manner as the general tax for county purposes, and the revenue derived from said tax shall be paid into the county treasury to the credit of said district and said board of supervisors shall have the power to control and order the expenditure thereof for said purposes. Taxes levied under authority of this section shall be separate and distinct from, and shall be in addition to the taxes authorized to be levied under Section 14 of this act.

CHAPTER 402

An act to amend Section 9805 of the Vehicle Code, relating to sale of vehicles.

[Approved by Governor May 14, 1963. Filed with Secretary of State May 14, 1963]

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

SECTION 1. Section 9805 of the Vehicle Code is amended to read:

9805. When a vehicle has been seized to satisfy a lien of the department for fees and penalties, the department may bid for the vehicle through the officer or employee conducting the sale, an amount not to exceed the amount of the lien held by the department.

CHAPTER 403

An act to amend Sections 17151, 17155 and 17709 of the Vehicle Code, relating to the limit of civil liability for imputed negligence or willful misconduct.

[Approved by Governor May 14, 1963. Filed with Secretary of State May 14, 1963.]

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

SECTION 1. Section 17151 of the Vehicle Code is amended to read:

17151. The liability of an owner, bailee of an owner, or personal representative of a decedent for imputed negligence imposed by this chapter and not arising through the relationship of principal and agent or master and servant is limited to the amount of ten thousand dollars ($10,000) for the death of or injury to one person in any one accident and, subject to the limit as to one person, is limited to the amount of twenty thousand dollars ($20,000) for the death of or injury to more than one person in any one accident and is limited to the amount of five thousand dollars ($5,000) for damage to property of others in any one accident.

SEC. 2. Section 17155 of said code is amended to read:

17155. Where two or more persons are injured or killed in one accident, the owner, bailee of an owner, or personal representative of a decedent may settle and pay any bona fide claims for damages arising out of personal injuries or death, whether reduced to judgment or not, and the payments shall diminish to the extent thereof such person's total liability on account of the accident. Payments aggregating the full sum of twenty thousand dollars ($20,000) shall extinguish all liability of the owner, bailee of an owner, or personal representative of a decedent for death or personal injury arising out of the accident which exists by reason of imputed negligence, pursuant to this chapter, and did not arise through the negligence of the owner, bailee of an owner, or personal representative of a decedent nor through the relationship of principal and agent or master and servant.

SEC. 3. Section 17709 of said code is amended to read:

17709. No person, or group of persons collectively to whom negligence or willful misconduct is imputed shall incur liability under Sections 17707 and 17708 in any amount exceeding ten thousand dollars ($10,000) for injury to or death of one person as a result of any one accident or, subject to the limit as to one person, exceeding twenty thousand dollars ($20,000) for injury to or death of all persons as a result of any one accident or exceeding five thousand dollars ($5,000) for damage to property of others as a result of any one accident.

CHAPTER 404

An act to add Section 25273 to the Vehicle Code, relating to flashing warning lights.

[Approved by Governor May 14, 1963. Filed with Secretary of State May 14, 1963.]

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

SECTION 1. Section 25273 is added to the Vehicle Code, to read:

25273. Any motor vehicle owned and operated by a school district with an average daily attendance in excess of 400,000 while being used to measure the distance from school to a school pupil's residence may display a flashing amber warning light to the rear of the vehicle when moving at a speed substantially slower than the normal flow of traffic.

CHAPTER 405

An act to add Section 4734 to the Health and Safety Code, relating to county sanitation districts.

[Approved by Governor May 14, 1963. Filed with Secretary of State May 14, 1963.]

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

SECTION 1. Section 4734 is added to the Health and Safety Code, to read:

4734. Where two or more county sanitation districts have joined in the purchase, ownership, use, construction, maintenance, or operation of a sewerage system or sewage disposal or treatment plant or a refuse transfer or disposal system, or both, either within or without the districts, or have so joined for any combination of these purposes, as provided in Section 4742, and the districts hold their meetings jointly and such meetings are presided over by a director of one of the districts acting as joint chairman for and on behalf of the joint organization, each district so participating may pay the joint chairman the same compensation as a director of such district is paid.

CHAPTER 406

An act to amend Section 20007 of the Vehicle Code, relating to accident reports.

[Approved by Governor May 14, 1963 Filed with Secretary of State May 14, 1963.]

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

SECTION 1. Section 20007 of the Vehicle Code is amended to read:

20007. (a) The driver of any vehicle which collides with any vehicle which is unattended shall immediately stop and shall then and there either:

(1) Locate and notify the driver or owner of such vehicle of the name and address of the driver and owner of the vehicle striking the unattended vehicle, or;

(2) Shall leave in a conspicuous place in the vehicle struck a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking and a statement of the circumstances thereof and shall without unnecessary delay notify the police department of the city wherein the collision occurred or, if the collision occurred in unincorporated territory, the local headquarters of the Department of the California Highway Patrol.

Any person failing to stop or comply with said requirements is guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in the county jail for not to exceed six months or by a fine of not to exceed five hundred dollars ($500) or by both.

(b) Any person who parks a vehicle which, prior to the vehicle again being driven, becomes a runaway vehicle and is involved in an accident resulting in damage to any unattended vehicle shall comply with the requirements of this section, relating to notification and reporting and will upon conviction thereof, be liable to the penalties of this section for failure to comply with said requirements.

CHAPTER 407

An act to add Section 27801 to the Vehicle Code, relating to equipment on motorcycles.

[Approved by Governor May 14, 1963 Filed with Secretary of State May 14, 1963]

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

SECTION 1. Section 27801 is added to the Vehicle Code, to read:

27801. (a) No person shall operate on the highway any motorcycle equipped with a seat so positioned that the opera-

tor, when sitting astride the seat, cannot reach the ground with his feet.

(b) No person shall operate on the highway any motorcycle equipped with handlebars that are more than 15 inches in height above the uppermost portion of the seat when depressed by the weight of the operator.

CHAPTER 408

An act to amend Section 24602 of, and to repeal Section 24009 of, the Vehicle Code, relating to vehicle equipment.

[Approved by Governor May 14, 1963. Filed with Secretary of State May 14, 1963.]

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

SECTION 1. Section 24009 of the Vehicle Code is repealed.

SEC. 2. Section 24602 of said code is amended to read:

24602. Every red rear lamp upon a vehicle or the vehicle at the end of a train of vehicles which is subject to Section 22406 shall be equipped with red lenses not less than $2\frac{7}{8}$ inches in diameter or $6\frac{1}{2}$ square inches in area and the light source shall not be less than three nor more than 15 standard candlepower. The voltage at any rear, stop, license plate or clearance lamp socket of the vehicle or train of vehicles shall not be less than 85 percent of the design voltage of the bulb. Voltage tests shall be conducted with the engine operating.

CHAPTER 409

An act to add Section 110 to, and to amend Sections 21804 and 22352 of, the Vehicle Code, relating to alleys.

[Approved by Governor May 14, 1963. Filed with Secretary of State May 14, 1963.]

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

SECTION 1. Section 110 is added to the Vehicle Code, to read:

110. "Alley" is any highway having a roadway not exceeding 25 feet in width which is primarily used for access to the rear or side entrances of abutting property.

SEC. 2. Section 21804 of said code is amended to read:

21804. The driver of a vehicle about to enter or cross a highway from any private property, or private road or driveway or from an alley shall yield the right-of-way to all vehicles approaching on the highway.

SEC. 3. Section 22352 of said code is amended to read:

22352. The prima facie limits are as follows and the same shall be applicable unless changed as authorized in this code and, if so changed, only when signs have been erected giving notice thereof:

(a) Fifteen miles per hour:

(1) When traversing a railway grade crossing, if during the last 100 feet of the approach to the crossing the driver does not have a clear and unobstructed view of the crossing and of any traffic on the railway for a distance of 400 feet in both directions along such railway. This subdivision does not apply in the case of any railway grade crossing where human flagman is on duty or a clearly visible electrical or mechanical railway crossing signal device is installed but does not then indicate the immediate approach of a railway train or car.

(2) When traversing any intersection of highways if during the last 100 feet of his approach to the intersection the driver does not have a clear and unobstructed view of the intersection and of any traffic upon all of the highways entering the intersection for a distance of 100 feet along all such highways, except at an intersection protected by stop signs or yield right-of-way signs or controlled by official traffic control signals.

(3) On any alley.

(b) Twenty-five miles per hour:

(1) On any highway other than a state highway, in any business or residence district unless a different speed is determined by local authority under procedures set forth in this code.

(2) When passing a school building or the grounds thereof, contiguous to a highway and posted with a standard "SCHOOL" warning sign, while children are going to or leaving such school during opening or closing hours or during the noon recess period. Such prima facie limit shall also apply when passing any school grounds which are not separated from the highway by a fence, gate or other physical barrier while the grounds are in use by children and the highway is posted with a standard "SCHOOL" warning sign.

CHAPTER 410

An act to amend Section 11580.2 of the Insurance Code, relating to uninsured motorist coverage.

[Approved by Governor May 14, 1963. Filed with Secretary of State May 14, 1963.]

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

SECTION 1. Section 11580.2 of the Insurance Code is amended to read:

11580.2. (a) No policy of bodily injury liability insurance covering liability arising out of the ownership, maintenance, or

use of any motor vehicle, shall be issued or delivered in this State to the owner or operator of a motor vehicle, or shall be issued or delivered by any insurer licensed in this State upon any motor vehicle then principally used or principally garaged in this State, unless the policy contains, or has added to it by endorsement, a provision with coverage limits at least equal to the financial responsibility requirements specified in Section 16059 of the Vehicle Code insuring the insured, his heirs or his legal representative for all sums within such limits which he or they, as the case may be, shall be legally entitled to recover as damages for bodily injury or wrongful death from the owner or operator of an uninsured motor vehicle. The insurer and any named insured may by agreement in writing delete the provision covering damage caused by an uninsured motor vehicle. Such deletion by any named insured shall be binding upon every insured to whom such policy or endorsement provisions apply. A policy shall be excluded from the application of this section if the only coverage with respect to the use of any motor vehicle is limited to the contingent liability arising out of the use of nonowned motor vehicles.

(b) As used in (a) above, "bodily injury" includes sickness or disease, including death, resulting therefrom; the term "named insured" means only the individual or organization named in the declarations of the policy of motor vehicle bodily injury liability insurance referred to in (a) above; as used in (a) above the term "insured" means the named insured and the spouse of the named insured and relatives of either while residents of the same household while occupants of a motor vehicle or otherwise, heirs and any other person while in or upon or entering into or alighting from an insured motor vehicle and any person with respect to damages he is entitled to recover for care or loss of services because of bodily injury to which the policy provisions or endorsement apply; the term "insured motor vehicle" means the motor vehicle described in the underlying insurance policy of which the uninsured motorist endorsement or coverage is a part, a temporary substitute or a newly acquired automobile for which liability coverage is provided in the policy if the motor vehicle is used by the named insured or with his permission or consent, express or implied, and any other automobile not owned by the named insured or any resident of the some household while being operated by the named insured or his spouse if a resident of the same household, but the term "insured motor vehicle" shall not include any automobile while used as a public or livery conveyance. The term "uninsured motor vehicle" means a motor vehicle with respect to the ownership, maintenance or use of which there is no bodily injury liability insurance or bond applicable at the time of the accident, or there is such applicable insurance or bond but the company writing the same denies coverage thereunder, or a motor vehicle used without the per-

mission of the owner thereof if there is no bodily injury liability insurance or bond applicable at the time of the accident with respect to the owner or operator thereof, or the owner or operator thereof be unknown, provided that, with respect to an "uninsured motor vehicle" whose owner or operator is unknown:

(1) The bodily injury has arisen out of physical contact of such automobile with the insured or with an automobile which the insured is occupying,

(2) The insured or someone on his behalf shall have reported the accident within 24 hours to the police department of the city where the accident occurred or, if the accident occurred in unincorporated territory then either to the sheriff of the county where the accident occurred or the local headquarters of the California Highway Patrol, and have filed with the insurer within 30 days thereafter a statement under oath that the insured or his legal representative has or the insured's heirs have a cause of action arising out of such accident for damages against a person or persons whose identity is unascertainable and set forth facts in support thereof. The term "uninsured motor vehicle" shall not include an automobile owned by the named insured or any resident of the same household or self-insured within the meaning of the safety responsibility law of the state in which the motor vehicle is registered or which is owned by the United States of America, Canada, a state or political subdivision of any such government or an agency of any of the foregoing, or a land motor vehicle or trailer operated on rails or crawler-treads or while located for use as a residence on premises and not as a vehicle, or a farm-type tractor or equipment designed for use principally off public roads, except while actually upon public roads.

(c) The insurance coverage provided for in this section does not apply:

(1) To property damage sustained by the insured

(2) To bodily injury of the insured while in or upon or while entering into or alighting from an automobile other than the described automobile if the owner thereof has insurance similar to that provided in this section.

(3) To bodily injury of the insured with respect to which the insured or his representative shall, without the written consent of the insurer, make any settlement with or prosecute to judgment any action against any person who may be legally liable therefor.

(4) In any instance where it would inure directly or indirectly to the benefit of any workmen's compensation carrier or to any person qualified as a self-insurer under any workmen's compensation law.

(5) To establish an exemption as provided in subdivisions (a), (b), and (c) of Section 16057 of the Vehicle Code.

(d) Subject to paragraph (c)(2), the policy or endorsement may provide that if the insured has insurance available to him under more than one uninsured motorist coverage provision, any damages shall not be deemed to exceed the higher of the applicable limits of the respective coverages, and such damages shall be prorated between the applicable coverages as the limits of each coverage bears to the total of such limits.

(e) The policy or an endorsement added thereto shall provide that the determination as to whether the insured shall be legally entitled to recover damages, and if so entitled, the amount thereof, shall be made by agreement between the insured and the insurer or, in the event of disagreement, by arbitration.

(f) The insurer paying a claim under an uninsured motorist endorsement or coverage shall be entitled to be subrogated to the rights of the insured to whom such claim was paid against any person causing such injury or death to the extent that payment was made.

(g) An insured entitled to recovery under the uninsured motorist endorsement or coverage shall be reimbursed within the conditions stated herein without being required to sign any release or waiver or rights to which he may be entitled under any other insurance coverage applicable; nor shall payment under this section to such insured be delayed or made contingent upon the decisions as to liability or distribution of loss costs under other bodily injury liability insurance or any bond applicable to the accident. Any loss payable under the terms of the uninsured motorist endorsement or coverage to or for any person may be reduced:

(1) By the amount paid and the present value of all amounts payable to him under any workmen's compensation law exclusive of nonoccupational disability benefits.

(2) By the amounts paid or due to be paid under any valid and collectible automobile medical payment insurance available to the insured.

(3) By the amount the insured is entitled to recover from any other person insured under the underlying liability insurance policy of which the uninsured motorist endorsement or coverage is a part.

(h) No cause of action shall accrue to the insured under any policy or endorsement provision issued pursuant to this section unless within one year from the date of the accident:

(1) Suit for bodily injury has been filed against the uninsured motorist, in a court of competent jurisdiction, or

(2) Agreement as to the amount due under the policy has been concluded, or

(3) The insured has formally instituted arbitration proceedings.

CHAPTER 411

An act to amend Section 8151 of the Fish and Game Code, relating to sardines.

[Approved by Governor May 15, 1963. Filed with Secretary of State May 15, 1963.]

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

SECTION 1. Section 8151 of the Fish and Game Code is amended to read:

8151. Sardines for use in a reduction plant, or by a packer, may be taken only in accordance with this article, and at the following times in the following places:

(a) In Districts 4, 4¾ and those portions of Districts 3½ and 18 lying south of a line running east and west through Point Arguello, 19, 20A and 21, between September 1st and March 1st, inclusive.

(b) In District 19A between October 1st and March 1st.

(c) Elsewhere in the State, except in District 20 where they may not be so taken, between August 1st and March 1st.

The amendment to this section made by the Legislature at the 1961 Regular Session shall remain in effect until October 1, 1965, and thereafter shall be of no force or effect.

CHAPTER 412

An act to amend Section 1170 of the Harbors and Navigation Code, relating to bar pilotage rates for Bays of San Francisco, San Pablo, and Suisun.

[Approved by Governor May 15, 1963. Filed with Secretary of State May 15, 1963.]

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

SECTION 1. Section 1170 of the Harbors and Navigation Code is amended to read:

1170. Every vessel spoken inward or outward bound, shall pay the following rate of bar pilotage through the Golden Gate and into or out of the Bays of San Francisco, San Pablo and Suisun:

Six dollars and fifty cents ($6.50) per draft foot of the vessel's deepest draft and fractions of a foot pro rata. The vessel's deepest draft shall be the maximum draft attained, on a stillwater basis, at any part of the vessel during the course of such transit inward or outward.

CHAPTER 413

An act to amend Section 856 of the Education Code, relating to classification as a permanent school employee.

[Approved by Governor May 15, 1963. Filed with Secretary of State May 15, 1963.]

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

SECTION 1. Section 856 of the Education Code is amended to read:

856. If the average daily attendance of the schools and classes maintained by a county superintendent of schools is 250 or more, each person who, after being employed for three complete consecutive school years by such superintendent in a teaching position in such schools or classes requiring certification qualifications and whose salary is paid from the county school service fund, is re-elected for the next succeeding school year to such a position in such schools or classes, shall be classified as and become a permanent employee of the county superintendent of schools.

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

CHAPTER 414

An act to amend Sections 251, 14660, 14662, 14665, 14666, 14667, and 18201 of the Elections Code, relating to absent voter ballots.

[Approved by Governor May 15, 1963. Filed with Secretary of State May 15, 1963.]

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

SECTION 1. Section 251 of the Elections Code is amended to read:

251. If the applicant desires to vote at the election he shall, before marking the absent voter's ballot, execute the affidavit of registration before the clerk, any notary public, commissioned officer, warrant officer, or noncommissioned officer of a grade not lower than sergeant or equivalent rating of the armed forces of the United States or any auxiliary branch thereof, or before any minister, consul or vice consul of the United States, and return the affidavit of registration, in the return envelope but not in the identification envelope, together with the absent voter's ballot enclosed in the identification envelope, to the clerk from whom they were received.

This shall be transmitted to the clerk in sufficient time to permit the ballot to be received by the clerk not later than 5 o'clock p.m. on the day before election day.

SEC. 2. Section 14660 of said code is amended to read:

14660. Any voter applying for and receiving an absent voter's ballot may, prior to 5 o'clock p.m. on the day before the day of the election for which the ballot is to be voted, appear at the office of the clerk of the county, city or district in which he resides and stamp or mark the ballot with pen or pencil and seal it under the scrutiny of that officer. The following procedure shall be followed:

(a) The voter shall first display the ballot to the clerk as evidence that it is not marked, and shall then proceed to mark the ballot in the presence of the clerk, but in such manner that the clerk is unable to see how it is being marked. The voter shall then fold the ballot and enclose it in the identification envelope.

(b) The voter shall then make out or cause to be made out and sign the declaration printed on the face of the envelope and deliver it properly sealed to the officer before whom the ballot is marked.

(c) Upon receipt of the envelope the clerk shall deposit the envelope in a safe place in his office, to be kept by him until the time prescribed for processing and counting absent voter ballots.

SEC. 3 Section 14662 of said code is amended to read:

14662. An absent voter, regardless of whether he is within or without the territorial limits of the United States, may mark his ballot and transmit it to the clerk by mail, in sufficient time to permit the ballot to be received by the clerk not later than 5 o'clock p.m. on the day before election day, if:

(a) In the case of any election conducted by the county clerk he is absent from his election precinct, or

(b) In the case of any other election, he is absent from the city or district of his residence, or

(c) He is unable because of disability to go to his polling place, or

(d) He is unable to go to his polling place on election day by reason of the fact that the tenets of his religion require his attendance at church or religious services on that day or otherwise prevent him from attending the polls throughout that day, or

(e) He resides more than 10 miles from the nearest polling place by the most direct route for public travel.

After marking his ballot the absent voter shall place it in the identification envelope. He shall then fill out and sign the declaration on the envelope and mail it to the office of the clerk of the locality in which he resides.

Upon receipt of the return envelope, at or before 5 o'clock p.m. on the day before election day, containing the identification envelope, the clerk shall compare the voter's signature on the identification envelope with that appearing on his duplicate affidavit of registration and, if they compare, shall deposit the identification envelope in a safe place in his office to be kept by him until the time prescribed for processing and counting absent voter ballots. An identification envelope shall in no event be opened before the time for canvassing absent voter ballots.

SEC. 4. Section 14665 of said code is amended to read:

14665. If any war voter returns to the county of his residence after the final day for making application for an absent voter ballot, he may appear before the clerk and make application for registration, absent voter ballot, or both. The clerk shall register the voter, if he is not registered, and deliver to him an absent voter ballot which may be voted in the clerk's office or voted outside the clerk's office at or before 5 o'clock p.m. on the day before the day of election and returned as are other absent voter ballots.

SEC. 5. Section 14666 of said code is amended to read:

14666. If a registered war voter is unable to appear at his polling place because of being recalled to service after the final day for making application for an absent voter's ballot, but before 5 o'clock p.m. on the day before the day of election, he may appear before the clerk and make application for an absent voter's ballot. The clerk shall deliver to him an absent voter's ballot which may be voted in the clerk's office or voted outside the clerk's office at or before 5 o'clock p.m. on the day before the day of election and returned as are other absent voter's ballots.

SEC. 6. Section 14667 of said code is amended to read:

14667. All ballots cast under the provisions of this chapter shall, in order that they may be counted, be received by the clerk from whom they were received not later than 5 o'clock p.m. on the day before the date of the election in which they are to be counted.

SEC. 7. Section 18201 of said code is amended to read:

18201. At any time after 5 o'clock p.m. on the day before the day of the election, the county clerk shall commence to process the absent voter ballots, and, on election day, the county clerk shall commence to count such ballots. This processing and counting shall be continuous and without adjournment until completed and the result thereof tallied and returned.

The term "canvass," as used in this chapter, means to process absent voter ballots in the manner specified in this chapter.

CHAPTER 415

An act to amend Sections 307 and 311.1 of, and to repeal Section 357.3 of, the Agricultural Code, relating to slaughtering of animals.

[Approved by Governor May 15, 1963. Filed with Secretary of State May 15, 1963.]

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

SECTION 1. Section 307 of the Agricultural Code is amended to read:

307. Nothing in this article restricts or prohibits:

(a) A livestock producer from slaughtering animals on his own premises that are a part of his own herd for his own consumption or from disposing of the carcasses and products of those animals thus slaughtered; provided, they can be identified as such, and are sound, healthful, wholesome, and fit for human food, and are disposed of in his locality; when cattle, sheep, swine or goats are sold by said producer in the vicinity where produced and slaughtered there shall be attached to said meat or meat products a statement giving substantially the following:

I hereby certify that the uninspected meat (or meat products as the case may be) to which this certificate is attached is from animals slaughtered by the undersigned, a farmer, on his farm and that at this date it is sound, healthful, wholesome, and fit for human food.

(b) The slaughter of animals of the bovine species under the age of eight months in establishments located in counties where meat inspection is not mandatory and which meet the sanitary requirements of the department and shipment thereof to counties where state inspection or approved municipal or county inspection is maintained, and said animals so slaughtered shall there be inspected and the carcasses stamped.

(c) Any butcher located in a remote section of a county in which the inspection provisions of this article are mandatory, when in the opinion of the director it is impractical or impossible to assign an inspector, may, upon written application, be granted an exemption certificate to be used in accordance with the regulations of the director; provided, that the meat of animals slaughtered in accordance with such exemption shall be offered for sale only in the immediate locality where the animals were slaughtered. The certificate must be renewed the first day of January of each year. Should facilities for inspection become available at any time, the director is empowered to withdraw such exemption certificate. The director is also empowered to withdraw such exemption certificate when, in his opinion, the person to whom the same is issued has not complied with the rules and regulations pertaining to the use thereof.

(d) The producer or owner of meats from rendering, curing or smoking or having rendered, cured or smoked in his behalf such meats or portions thereof when same are for use for purposes other than sale; provided, however, that any meats or portions thereof referred to in this paragraph which have originated from any carcass which has not been officially inspected shall not be rendered, cured, or smoked in an establishment wherein federal, state or municipal meat inspection is maintained. The operator of an establishment who renders, cures or smokes meat for a producer or owner of such meat shall keep accurate and sufficient records of the amount and kind of meat rendered, cured or smoked for each producer or owner, and such records shall be available for inspection at all times by the director or his authorized representative. Such records shall give the name and address of each person for whom meat is rendered, cured or smoked.

SEC. 2. Section 311.1 of said code is amended to read:

311.1. Inasmuch as it can not be determined for certain, by any present known method of inspection, whether meat is unwholesome unless the organs and other tissues of an animal are inspected when slaughtered, and as meat and products thereof from uninspected animals may be unfit for human food, the director shall seize and destroy for human food purposes any meat or meat food product that does not bear the "Inspected and Passed" stamp, brand, mark, or label, as provided by this article; provided nothing herein shall affect the transportation of dead and condemned carcasses of animals to rendering plants; nor the transportation of meat or meat products to which a statement is attached in accordance with the provisions of Section 307, paragraph (a) of this article.

SEC. 3. Section 357.3 of said code is repealed.

CHAPTER 416

An act to amend Sections 5125, 5130 5132.1, 5180, 5190, 5191, 5222, 5242, 5249, 5254.5, 5300, 5301, 5302, 5341, 5503, 5506, 5872, 6447 and 6460 of, and to amend and renumber Sections 5119 and 5360.1 of, and to add Sections 5126, 5231.1, 5232.1, 5360 2, 5873 and 5374 1 to, and to repeal Sections 5015, 5016, 5017, 5340, 5375, 5582 and 5583 and Chapter 14 (commencing with Section 5315) of Part 3 of Division 7 of, the Streets and Highways Code, relating to special assessments.

[Approved by Governor May 15, 1963. Filed with Secretary of State May 15, 1963.]

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

SECTION 1. Section 5015 of the Streets and Highways Code is repealed.

SEC. 2. Section 5016 of said code is repealed.

SEC. 3. Section 5017 of said code is repealed.

SEC. 4. Section 5119 of said code is amended and renumbered to read:

5127. If the assessment district includes property out of the territorial jurisdiction of the city conducting the proceeding, the legislative body of the city having jurisdiction thereover may in its discretion order by resolution, a copy of which shall be transmitted to the legislative body conducting the proceeding, that any part of the cost or expenses of the work shall be paid out of the treasury of the city. A liability for the portion of the cost set forth in the resolution shall thereby be created against the city ordering such contribution.

SEC. 5. Section 5125 of said code is amended to read:

5125. Notwithstanding any other provision in this division, the legislative body may accept and provide for contribution toward the cost and expenses of any work done under this division, from any funds made available for the purpose by any local, state or national agency or authority, and it shall not be necessary to set forth or give notice of such contribution in the resolution of intention or in any other proceedings under this division.

SEC. 6. Section 5126 is added to said code, to read:

5126. At any time or times prior to confirmation of the assessment, the legislative body of a city conducting a proceeding may provide for a contribution or contributions by said city of part of the costs and expenses of the work.

SEC. 7. Section 5130 of said code is amended to read:

5130. Before ordering any work to be done under this division the legislative body shall require the engineer to furnish it with plans and specifications therefor together with careful estimates of the costs and expenses of such work.

SEC. 8. Section 5180 of said code is amended to read:

5180 The legislative body shall make the expense of such work chargeable upon a district, which the legislative body shall, in its resolution of intention, declare to be the district benefited by the work, and to be assessed to pay the cost and expense thereof. The territory comprising said district may, but need not, include all, or be confined to, or extend beyond, the lots or lands fronting upon the improvement, or be contiguous, and the district may consist of separate and distinct areas or sections. The work performed in one section need not benefit the other section or sections.

SEC. 9. Section 5190 of said code is amended to read:

5190. After the adoption of the resolution of intention, the street superintendent shall cause to be conspicuously posted along the line of the contemplated work, at not more than 300 feet in distance apart, but not less than three in all, notices of the passage of the resolution.

SEC. 10. Section 5191 of said code is amended to read:

5191. Copies of the notice shall also be posted on all the open streets within the district at not more than 300 feet in distance apart on each street so posted, but no proceeding

shall ever be held invalid for failure to post any street if this section has been substantially complied with.

SEC. 11. Section 5222 of said code is amended to read:

5222. If the protest is against the proposed work and the legislative body finds that the protest is made by the owners of more than one-half of the area of the property to be assessed for the improvements, and protests are not withdrawn so as to reduce the same to less than a majority, no further proceedings shall be taken for a period of one year from the date of the decision of the legislative body on the hearing, unless the protests are overruled by an affirmative vote of four-fifths of the members of the legislative body.

SEC. 12. Section 5231.1 is added to said code, to read:

5231.1. At the hearing on the resolution of intention, the legislative body, without further notice and hearing, may order any changes, as defined in Sections 5230 and 5231, except changes to include additional territory in the assessment district. Any changes to include additional territory and all changes after the hearing on the resolution of intention shall be ordered only after notice and hearing, as provided in this chapter.

SEC. 13. Section 5232.1 is added to said code, to read:

5232.1. If said resolution proposes to include additional territory in the assessment district, at least 15 days prior to the hearing fixed therein, the clerk shall mail a copy of such resolution to all persons owning real property within said additional territory whose names and addresses appear on the last equalized assessment roll or as known to the clerk.

SEC. 14. Section 5242 of said code is amended to read:

5242. All proposals or bids offered shall be accompanied by cash, a cashier's check or a certified check payable to the city, for an amount which shall not be less than 10 percent of the aggregate of the proposal, or by a bond for that amount and so payable, signed by the bidder and two sureties, who shall justify, before any officer competent to administer an oath, in double that amount, and over and above all statutory exemptions, or by a corporate surety bond to the satisfaction and approval of the superintendent of streets.

SEC. 15. Section 5249 of said code is amended to read:

5249. The owners of three-fourths of the area of lands liable to be assessed, or their agents (who shall make oath that they are such owners or agents) shall not be required to present sealed proposals or bids, but may within 10 days after the first publication, or first posting if there is no publication, of the notice of the award of the contract, elect to take the work and enter into a written contract to do the whole work at the price at which the same has been awarded, and all work done under such contract shall be subject to such regulations as may be prescribed by ordinance of the legislative body.

SEC. 16. Section 5254.5 of said code is amended to read:

5254.5. At any time prior to publication and posting notice inviting bids, the legislative body by resolution, may determine that in the event that the contractor, contracting owners included, does not complete the work within the time limit specified in the contract or within such further time as the legislative body shall have authorized, the contractor or contracting owners, as the case may be, shall pay to the city liquidated damages in the amount fixed by the legislative body in said resolution. If such determination is made, the plans or specifications and the contract shall contain provisions in accordance therewith.

Any moneys received by the city on account of such liquidated damages shall be applied as follows:

(1) If received prior to confirmation of the assessment, such moneys shall be applied as a contribution against the assessment.

(2) If received after the confirmation of the assessment, such moneys shall be applied in the manner provided in Section 5132.1 for the disposition of excess acquisition funds.

(3) If a contribution has theretofore been made or ordered by any agency, the legislative body may order a refund to the contributing agency in the proportion which said contribution bears to the total costs and expenses of the work.

SEC. 17. Section 5300 of said code is amended to read:

5300. Whenever a railroad, street or interurban railroad right-of-way shall be included within any district to be assessed for the cost of any work provided in this division, such railroad right-of-way (whether it is owned in fee or as an easement) shall be included in the warrant, assessment and diagram and shall be assessed in the same manner and with the same effect as other lots, lands or parcels of land are assessed, and such railroad, street or interurban railroad right-of-way shall be subject to sale for nonpayment of assessments as provided in this division.

SEC. 18. Section 5301 of said code is amended to read:

5301. If any lot or parcel of land belonging to the United States, or to the State, or to any county, city, public agent, mandatory of the government, school board, educational, penal or reform institution or institution for the feebleminded or the insane, is in use in the performance of any public function, and is included within the district to be assessed to pay the costs and expenses thereof, the legislative body may, in the resolution of intention, declare that such lots or parcels of land, or any of them, shall be omitted from the assessment thereafter to be made to cover the costs and expenses of the work.

SEC. 19. Section 5302 of said code is amended to read:

5302. If any such lots or parcels of land are omitted from the assessment, the total expense of all work done shall be assessed on the remaining lots or parcels of land lying within

the limits of the assessment district, without regard to such omitted lots or parcels of land.

SEC. 20. Chapter 14 (commencing with Section 5315) of Part 3 of Division 7 of said code is repealed.

SEC. 21. Section 5340 of said code is repealed.

SEC. 22. Section 5341 of said code is amended to read:

5341. The engineer shall prior to completion of the contract make a diagram of the property affected or benefited by the proposed work, as described in the resolution of intention, which is to be assessed to pay the costs and expenses thereof.

SEC. 23. Section 5360.1 of said code is amended and renumbered to read:

5585. If the assessment includes as part of the incidental expenses thereof any amounts for the purpose of payment of the treasurer's estimated cost of printing, servicing and collecting any bonds, upon receipt of the incidental expenses said amounts shall be deposited in an appropriate fund with the city and used only for the aforesaid purposes so long as any bonds remain outstanding and unpaid. After payment of all outstanding bonds, any amount remaining in said fund may be transferred to the general fund and used for any lawful purpose.

SEC. 24. Section 5360.2 is added to said code, to read:

5360.2. The street superintendent in making an assessment shall deduct from the total costs and expenses of the work any contributions authorized to be paid pursuant to Chapter 2.5 (commencing at Section 5125) of Part 3.

SEC. 25. Section 5374.1 is added to said code, to read:

5374.1. The amount of any contribution provided for by the assessment shall be paid by the city to the contractor, or his agent, or assigns, upon delivery of the warrant, assessment and diagram.

SEC. 26. Section 5375 of said code is repealed.

SEC. 27. Section 5503 of said code is amended to read:

5503 The superintendent of streets shall, upon the entering of a decree of court directing a reassessment or upon the making of an order by the legislative body directing a reassessment, proceed to make a reassessment in the following manner:

(a) If the reassessment is a partial one only, then it shall not be necessary for the diagram to show any other lots than the ones covered by such partial reassessment.

(b) If it is a full reassessment, the superintendent of streets shall prepare and file with the reassessment a diagram showing the lots or parcels of land deemed by him to have been benefited by the work. The reassessment shall assess upon and against each of the lots or parcels of land contained therein an amount arrived at as follows:

The benefits derived, or to be derived by each of the lots or parcels of land from the work estimated as of the date of the filing in the clerk's office of the original assessment shall first be listed. Then there shall be added thereto interest thereon

from 30 days after the date of such filing of the original assessment at the rate of 7 percent per annum, and the total sum shall constitute and be the amount of the proposed several assessments in such reassessment. The total of such reassessment, however, exclusive of interest, shall not exceed the cost and expenses of the work.

SEC. 28. Section 5506 of said code is amended to read:

5506. The notice shall describe the district by:

(a) Stating its exterior boundaries; or

(b) Giving a description thereof by any official or recorded map; or

(c) Referring to the reassessment diagram.

Such notice shall be published pursuant to Section 6062a of the Government Code.

SEC. 29. Section 5582 of said code is repealed.

SEC. 30. Section 5583 of said code is repealed.

SEC. 31. Section 6447 of said code is amended to read:

6447. The owner of or any person interested in any lot or parcel of land upon which a bond has been issued under the terms of this division may at any time before commencement of proceedings for sale pay off the bond and discharge the land described in the bond from the lien of the assessment. The discharge may be had by paying to the treasurer, for the holder of the bond, the amount then unpaid on the principal sum thereof, with interest thereon (if not previously paid) up to the next succeeding January 2 or July 2, as the case may be, at the rate named in the bond, and all penalties accrued and unpaid, together with the premium, if any, required by Section 6464. For the purpose of this section, a bond shall be deemed to be issued on the 31st day after the recordation of the warrant upon any unpaid assessment for which the legislative body has provided for the issuance of a bond to represent said unpaid assessment.

SEC. 32. Section 6460 of said code is amended to read:

6460. Form of Bond. The bond shall be substantially in the following form:

STREET IMPROVEMENT BOND
Series (designating it), in the City (or County)
of (naming it)

$_____ No._____

Under and by virtue of the Improvement Act of 1911 (Part 5 of Division 7 of the Streets and Highways Code), I, out of the fund for the above designated street improvement bonds, series _____, will pay to _____ or order, the sum of _____ dollars ($_____) with interest at the rate of _____ percent per annum, all as is hereinafter specified, and at the office of the Treasurer of the _____ of _____, State of California.

This bond is issued to represent the cost of certain street work upon _____, in the _____ of _____, as the same

is more fully described in assessment number _____ issued by the street superintendent of said _____, after the acceptance of said work, and recorded in his office. Its amount is the amount assessed in said assessment against the lot or parcel of land numbered therein, and in the diagram attached thereto, as number _____, and which now remains unpaid, and constitutes a lien upon the property affected thereby, as the same is described herein and in said recorded assessment with its diagram, to wit: The lot or parcel of land in said _____ of _____, County of _____, State of California.

This bond is payable exclusively from said fund, and neither the (here insert city or county) nor any officer thereof is to be holden for payment otherwise of its principal or interest. The term of this bond is _____ years from the second day of January next succeeding the next September 1st following its date, and at the expiration of said time the whole sum then unpaid shall be due and payable; but on the second day of January of each year, following the next September 1st after its date, an even annual proportion of its whole amount is due and payable, upon presentation of the coupon therefor, until the whole is paid, with all accrued interest at the rate of _____ per centum per annum.

The interest is payable semiannually, to wit: On the second days of January and of July in each year hereafter, upon presentation of the coupons therefor, hereto attached, the first of which is for the interest to the next second day of _____, and thereafter the interest coupons are for semiannual interest.

This bond may be redeemed by the owner or any person interested in any lot or parcel of land described herein, in the manner provided in said code, at any time before maturity, and before commencement of proceedings for sale, upon payment to the treasurer, for the holder of this bond, of the amount then unpaid on the principal sum thereof, with interest thereon calculated up to the due date of the next maturing interest coupon, and all penalties accrued and unpaid.

Should default be made in the annual payment upon the principal, or in any payment of interest from the owner of said lot or parcel of land, or any one in his behalf, the holder of this bond is entitled on or after the second day of January or July, as the case may be, following such default to declare the whole unpaid amount to be due and payable, and to have said lot or parcel of land advertised and sold forthwith, in the manner provided by law; provided, however, that any bond may be reinstated after such default in the manner provided in said code. In case of such default there shall be immediately added to such defaulted amount, 1 percent of the amount thereof, and on the first day of each month following such default there shall be added a further penalty of 1 percent of such defaulted amount. The 1 percent penalty first imposed and all subsequent penalties shall be paid to the holder of the bond along with and as a part of such defaulted payment.

At said _____ of _____, this _____ day of _____, in the year one thousand nine hundred and _____.

Treasurer of the _____ of _____.

SEC. 33. Section 5132.1 of said code is amended to read:

5132.1. In the event that the proceedings include any acquisition and the actual cost of the acquisition as finally determined is less than the amount included in the assessment as the cost of such acquisition, such excess may be spent as the legislative body may thereafter determine, either for the maintenance or repair of the work or improvement, or such excess shall be refunded or credited in proportion to the amount of the assessments that were levied for such acquisition cost, as follows:

(a) Where the assessment and all installments thereof and all interest and penalties due thereon have been paid, such refund shall be returned in cash to the person who paid the corresponding assessment or installment, upon his furnishing satisfactory evidence of such payment.

(b) Where the assessment or any installment thereof is unpaid, the credit shall be applied upon such assessment or upon the earliest unpaid installment of principal and interest.

In the event the legislative body determines that such excess shall be used for maintenance or repair, the legislative body shall establish a separate fund of such excess and shall use the same solely for said purpose.

SEC. 34. Section 5872 of said code is amended to read:

5872. This chapter constitutes a separate and alternative procedure for performing the work specified herein, and except as otherwise provided in this chapter, no other provision of this division shall apply to proceedings instituted hereunder. The "Special Assessment Investigation, Limitation and Majority Protest Act of 1931" shall not apply to any proceedings taken under this chapter.

SEC. 35. Section 5873 is added to said code, to read:

5873. As used in this chapter, "cost," "construction cost," or variants thereof, means and includes both the actual cost of construction of the work and any incidental expenses, as defined in Section 5025.

SEC. 36. The Legislature declares that the enactment of this act is to implement the recommendations contained in Volume 6, Number 20, of the Final Report of Assembly Interim Committee on Municipal and County Government, dated December 18, 1962.

CHAPTER 417

An act to repeal Section 10427 of, and add Sections 10427 and 10427.1 to, the Streets and Highways Code, relating to municipal improvements.

[Approved by Governor May 15, 1963. Filed with Secretary of State May 15, 1963.]

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

SECTION 1. Section 10427 of the Streets and Highways Code is repealed.

SEC. 2. Section 10427 is added to said code, to read:

10427. After completion of the improvement and the payment of all claims from the improvement fund, the legislative body shall determine the amount of the surplus, if any, remaining in the improvement fund by reason of the assessment and any supplemental assessment levied for said improvement. Any such surplus shall be used, in such amounts as the legislative body may determine, for one or more of the following purposes:

(a) For transfer to the general fund of the city, provided that the amount of any such transfer shall not exceed the lesser of one thousand dollars ($1,000) or 5 percent of the total amount expended from the improvement fund;

(b) As a credit upon the assessment and any supplemental assessment, in the manner provided in Section 10427.1; or

(c) For the maintenance of the improvement.

SEC. 3. Section 10427.1 is added to said code, to read:

10427.1. If there is no supplemental assessment, the entire amount of the surplus shall be applied as a credit to the assessment. If any supplemental assessment shall have been levied, all or any part of the surplus shall be applied as a credit upon the assessment and any supplemental assessment, or any of them, as the legislative body may determine. Any credit upon the assessment or any supplemental assessment shall be made in the proportion which each individual assessment, or installment of principal thereof, bears to the total of all individual assessments in the assessment or supplemental assessments upon which the surplus is to be credited.

Where an individual assessment, or any installment of the principal thereof, has been paid in cash, the credit shall be returned in cash to the person or persons paying the same upon their furnishing satisfactory evidence of such payment.

Where all or any part of an individual assessment remains unpaid, if said individual assessment is not payable in installments, the credit shall be applied in its entirety upon such individual assessment.

Where all or any part of an individual assessment remains unpaid and is payable in installments, the credit shall be prorated by dividing said credit by the number of principal installments remaining unpaid upon said individual assessment

and a portion of such credit so prorated shall be applied against any principal and interest installments thereafter due in the year such credit is ordered and in each year thereafter. Where an unpaid individual assessment is represented by a bond issued under the Improvement Act of 1911 and an action or proceeding is commenced by any officer or in any court for the enforcement of payment of principal and interest due thereon, if said bond is not reinstated the total amount of all prorated portions of the credit not previously applied against principal and interest installments shall be applied as a credit against the total amount determined to be due in said action or proceeding and such total amount shall be paid in cash as follows:

(a) To the holder of the bond upon cancellation of such bond pursuant to Section 6508, or

(b) To the purchaser of all or any part of the property at any sale thereof upon redemption of the property or, in the event the property is not redeemed, upon the expiration of the period provided by law for redemption.

There shall be transferred to the general fund of the city (i) any portion of the surplus which shall not have been paid to or claimed by the persons entitled thereto within four years from the date of recordation of the assessment and any supplemental assessment, or in the event bonds shall have been issued, within four years after the due date of the last installment upon said bonds or of the last principal coupon attached thereto, and (ii) any interest earned from the investment of any moneys constituting all or any part of the surplus.

SEC. 4. The Legislature declares that the repeal of Section 10427 of, and the addition of Sections 10427 and 10427.1 to, the Streets and Highways Code effected by this act is to implement the recommendations contained in Volume 6, Number 20, of the Final Report of the Assembly Interim Committee on Municipal and County Government, dated December 18, 1962.

CHAPTER 418

An act to amend Sections 5220 and 10310 of, and to add Sections 5223, 10011 and 10311.1 to, the Streets and Highways Code, relating to protests by owners in special assessment proceedings.

[Approved by Governor May 15, 1963. Filed with Secretary of State May 15, 1963.]

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

SECTION 1. Section 5220 of the Streets and Highways Code is amended to read:

5220. At any time not later than the hour set for hearing objections to the proposed work, any owner of property liable

to be assessed for the work may make written protest against the proposed work or against the extent of the district to be assessed, or against any agreement entered into pursuant to Section 5103, or any of them. Such protest must be in writing, must contain a description of the property in which each signer thereof is interested, sufficient to identify the same and, if the signers are not shown on the last equalized assessment roll as the owners of such property, must contain or be accompanied by written evidence that such signers are the owners of such property. All such protests shall be delivered to the clerk, and no other protests or objections shall be considered.

SEC. 2. Section 5223 is added to said code, to read:

5223. If it shall be necessary, in order to find whether a majority protest exists, to determine whether any or all of the signers of written protests are the "owners" of property to be assessed, the legislative body shall make such determination from the last equalized assessment roll, any written evidence submitted with a written protest and any other evidence received at the hearing. The legislative body shall be under no duty to obtain or consider any other evidence as to ownership of property and its determination of ownership shall be final and conclusive.

SEC. 3. Section 10011 is added to said code, to read:

10011. "Owner" means the person owning the fee, or the person in whose name the legal title to the property appears, by deed duly recorded in the county recorder's office of the county in which the property is situated, or the person in possession of the property or buildings under claim of, or exercising acts of ownership over the same for himself, or as the executor, administrator, or guardian of the owner. If the property is leased, the possession of the tenant or lessee holding and occupying such property shall be deemed to be the possession of the owner.

SEC. 4. Section 10310 of said code is amended to read:

10310. Any interested person may object to the proposed improvement, the extent of the assessment district, or to the proposed assessment by filing a written protest with the clerk of the legislative body at or before the time set for the hearing. Such protest must contain a description of the property in which each signer thereof is interested sufficient to identify the same and, if the signers are not shown on the last equalized assessment roll as the owners of such property, must contain or be accompanied by written evidence that such signers are the owners of such property. The clerk shall endorse on each protest the date of its receipt, and at the time appointed for the hearing shall present to the legislative body all protests filed with him.

SEC. 5. Section 10311.1 is added to said code, to read:

10311.1. If it shall be necessary, in order to find whether a majority protest exists, to determine whether any or all of

the signers of written protests are the "owners" of property to be assessed, the legislative body shall make such determination from the last equalized assessment roll, any written evidence submitted with a written protest and any other evidence received at the hearing. The legislative body shall be under no duty to obtain or consider any other evidence as to ownership of property and its determination of ownership shall be final and conclusive.

CHAPTER 419

An act to add Section 1405.1 to the Education Code, to add Section 1102.5 to Division 4 of the Education Code as added by Senate Bill No. 718 of the 1963 Regular Session, and to add Section 25412.6 to Division 18.5 as added by Senate Bill No. 78 of the 1963 Regular Session, relating to junior college districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 15, 1963. Filed with Secretary of State May 15, 1963.]

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

SECTION 1. Section 1405.1 is added to the Education Code, to read:

1405.1. Notwithstanding the provisions of Sections 937 and 1405, the county superintendent of schools having jurisdiction may call and set the date for an election for the purpose of electing the governing board of the district on the same date that the election is held for the formation of the junior college district. The call for both elections shall be issued at the same time. The election shall be called, held and conducted as are elections for members of the governing boards of elementary school districts.

SEC. 2. Section 1102.5 is added to Division 4 of said code as added by Senate Bill No. 718, to read:

1102.5. Notwithstanding the provisions of Section 1102, the county superintendent of schools having jurisdiction may call and set the date for an election for the purpose of electing the governing board of the district on the same date that the election is held for the formation of the junior college district. The call for both elections shall be issued at the same time. The election shall be called, held and conducted as are elections for members of the governing boards of elementary school districts.

SEC. 3. Section 25412.6 is added to Division 18.5 of said code as added by Senate Bill No. 78, to read:

25412.6. Notwithstanding the provisions of Section 25412, the county superintendent of schools having jurisdiction may call and set the date for an election for the purpose of electing

the governing board of the district on the same date that the election is held for the formation of the junior college district. The call for both elections shall be issued at the same time. The election shall be called, held and conducted as are elections for members of the governing boards of elementary school districts.

SEC. 4. Section 2 of this act shall become operative only if Senate Bill No. 718 of the 1963 Regular Session is enacted by the Legislature at such session and if Senate Bill No. 78 of such session is not enacted by the Legislature at such session, and, in such case, at the same time as said Senate Bill No. 718 takes effect, at which time Section 1405.1 added to, and Section 25412.6 added to Division 18.5 of, the Education Code by this act are repealed.

Section 3 of this act shall become operative only if Senate Bill No. 78 of the 1963 Regular Session is enacted by the Legislature at such session, and in such case, at the same time as said Senate Bill No. 78 takes effect, at which time Section 1405.1, and Section 11025 added to Division 4 of, the Education Code by this act are repealed.

SEC. 5. For purposes of making Section 1405.1 added to the Education Code by Section 1 hereof immediately effective, this act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

Section 1405 of the Education Code requires that upon the formation of a junior college district the county superintendent of schools shall within thirty (30) days thereafter call and set the date of an election for the purpose of electing the governing board of the district.

This results in unnecessary duplication of elections and expenses and a lapse of time serving no useful purpose but, to the contrary, delays the commencement of the procedures preliminarily required for the effective operation of the district. This act will make it possible to eliminate the problem and, in order that Section 1405.1, as added by Section 1 hereof, may operate with respect to pending procedure for the formation of junior college districts, it is essential that it go into effect immediately.

CHAPTER 420

An act to add Article 6 (commencing with Section 22170) to Chapter 1 of Part 5 of Division 11 of the Water Code, relating to irrigation districts.

[Approved by Governor May 15, 1963. Filed with Secretary of State May 15, 1963.]

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

SECTION 1. Article 6 (commencing with Section 22170) is added to Chapter 1, Part 5 of Division 11 of the Water Code, to read:

Article 6. Sewage Disposal

22170. This article applies only if all of the following are true:

(a) The district contains less than 4,500 acres.

(b) The board finds that in the next preceding calendar year at least 75 percent of the quantity of water supplied by the district was supplied for domestic purposes and that it is for the best interests of the district to provide for sewage disposal in the district.

(c) At an election called and held as provided in this article a majority of the votes cast on the proposal are "Yes."

22171. The board may in its discretion by resolution call an election to be held in the district to determine whether or not the district should provide for sewage disposal in the district. The ballots shall contain the following statement of the proposal:

"Shall the _____ Irrigation District provide for sewage disposal within that portion of its boundaries not now provided with adequate sewage collection and disposal works."

Such proposal shall be followed by the words "Yes" and "No" on separate lines with a small enclosed space after each of the two words.

22172 The ballots shall have printed on them under the heading "Instructions to Voters":

"To vote for a proposal stamp a cross (+) in the voting space after the word 'Yes' following the proposal. To vote against a proposal, stamp a cross (+) in the voting space after the word 'No' following the proposal."

22173. The voters shall vote for or against the proposal by stamping a cross (+) in the voting space after the word "Yes" or "No" respectively.

22174. Notice of the election shall specify the purpose of the election and the day, hours, and polling places in each precinct for holding the election, and shall be posted in three public places in each election precinct in the district for at least 20 days and published in a newspaper published in the county once a week for at least three successive weeks.

22175. The election shall be held and the result determined and declared as nearly as practicable in conformity with general elections.

22176. A district, whether heretofore or hereafter formed, may provide for the acquisition, construction, maintenance and operation of sewage collection and disposal mains, and sewage treatment and disposal facilities for all or any portion of the lands within its boundaries.

22177. A district may charge reasonable connection charges to defray in whole or in part the cost of providing sewage disposal service and may levy and collect annual or semiannual charges to cover the cost of maintenance and operation of the sewage disposal system.

22178. All provisions of the California Irrigation District Act, and of all other acts amendatory thereof and supplemental thereto, applying to irrigation shall, as codified in this division, also be so construed and enforced as to apply to sewage disposal.

22179. The officers, agents, and employees of districts have the same powers, duties, and liabilities respecting sewage disposal and the acquisition, operation, and control relating to it as they have respecting irrigation in districts.

22180. The board and the officers, agents, and employees of districts shall do all necessary and proper acts for the construction and operation of its sewage collection and disposal system.

CHAPTER 421

An act to add Section 5014 to the Public Resources Code, relating to the state park system.

[Approved by Governor May 15, 1963. Filed with Secretary of State May 15, 1963.]

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

SECTION 1. Section 5014 is added to the Public Resources Code, to read:

5014. The Director of Parks and Recreation shall convey to the Hussey Ranch Corporation, upon such terms and conditions as he determines are in the best interests of the State, all of the right, title, and interest of the State of California in and to the right-of-way for a term of 100 years from September 11, 1905, acquired by the State by deed dated June 1, 1943, recorded in Book 61 of Deeds, page 147, Records of Del Norte County, California, and described in a conveyance by Frank Hussey to the Del Norte Company, a corporation, by deed dated September 11, 1905, recorded in Book B of Agreements, page 156, Records of Del Norte County, California, to be "* * * a right of way 30 feet in width on the lands of said

Hussey bordering the edge of the timber sold by said Hussey to said Del Norte Company * * * solely for the purpose of removing the logs and other timber from the tract of land belonging to the said Del Norte Company and such other lands adjoining as it may hereafter acquire and for the purpose of doing such other things as may be necessary or convenient in the removing of said timber of various sorts and shapes."

CHAPTER 422

An act to amend Section 405 of, and to add Section 2420 to, the Vehicle Code, relating to motor-driven cycles.

[Approved by Governor May 15, 1963. Filed with Secretary of State May 15, 1963.]

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

SECTION 1. Section 405 of the Vehicle Code is amended to read:

405. A "motor-driven cycle" is any motorcycle, including every motor scooter, with a motor which produces less than 15 gross brake horsepower, and every bicycle with motor attached.

SEC. 2. Section 2420 is added to said code, to read:

2420. Upon request of the California Highway Patrol, manufacturers of motorcycles shall furnish a certification of gross brake horsepower to the department. If any manufacturer of motorcycles fails to comply with such request within 30 days from the date such request has been deposited in the mail, then and in that event no dealer shall sell or offer for sale the particular make and model of motocycle for which the certification was requested.

CHAPTER 423

An act to add Sections 541.3 and 1480.5 to the Probate Code, relating to bonds of executors, administrators, and guardians.

[Approved by Governor May 15, 1963. Filed with Secretary of State May 15, 1963.]

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

SECTION 1. Section 541.3 is added to the Probate Code, to read:

541.3. Every person to whom letters testamentary or of administration are issued may, instead of executing a surety bond, as otherwise required by this chapter, file with the clerk of the court a cash bond, or an assigned interest in an account or accounts in a bank or an insured savings and loan association, or by the posting of bearer or endorsed bonds of the United States or of the State of California, in the amount re-

quired in the case of a surety bond when the surety is an authorized surety company, subject to increase or decrease as provided with respect to surety bonds, conditioned the same as required of such surety bond, and returnable to the executor or administrator on his discharge.

SEC. 2. Section 1480.5 is added to said code, to read:

1480.5. Every person appointed as a guardian may, instead of furnishing a surety bond, as otherwise required by this chapter, file with the clerk of the court a cash bond, or an assigned interest in an account or accounts in a bank or insured savings and loan association, or by the posting of bearer or endorsed bonds of the United States or of the State of California, in the amount required in the case of a surety bond when the surety is an authorized surety company, subject to increase or decrease as provided with respect to surety bonds conditioned the same as required of such surety bond, and returnable to the guardian on the termination of his service.

CHAPTER 424

An act to amend Section 7113 of the Health and Safety Code, relating to autopsies.

[Approved by Governor May 15, 1963. Filed with Secretary of State May 15, 1963.]

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

SECTION 1. Section 7113 of the Health and Safety Code is amended to read:

7113. A cemetery authority or licensed funeral director or a licensed hospital or its authorized personnel may permit or assist, and a physician may perform, an autopsy of any remains in its or his custody if the decedent, prior to his death, authorizes an autopsy in his will or other written instrument, or upon the receipt of a written authorization from a person representing himself to be any of the following:

(a) The surviving spouse; (b) a surviving child or parent; (c) a surviving brother or sister; (d) any other kin or person who has acquired the right to control the disposition of the remains; (e) a public administrator; (f) a coroner or any other duly authorized public officer. A cemetery authority or a licensed funeral director or a licensed hospital or its authorized personnel is not liable for permitting or assisting, and a physician is not liable for performing, an autopsy pursuant to such authorization unless he or it has actual notice that such representation is untrue at the time the autopsy is performed. If such authorization is contained in a will, the autopsy may be performed regardless of the validity of the will in other respects or of the fact that the will may not be offered for or admitted to probate until a later date.

CHAPTER 425

An act to amend Sections 4383 and 4384 of the Agricultural Code, relating to distributors of fluid milk and cream, to take effect immediately, tax levy.

[Approved by Governor May 15, 1963. Filed with Secretary of State May 15, 1963.]

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

SECTION 1. Section 4383 of the Agricultural Code is amended to read:

4383 Distributors who are subject to minimum wholesale and minimum retail prices for fluid milk as established by the director shall pay to the director on all milk fat contained in fluid milk and fluid cream purchased from producers, including their own production, if any, a fee in mills per pound of milk fat equal to that required to be deducted from the payments due producers of fluid milk under Section 4384. Such assessed fees received by the director shall be used in the administration and enforcement of this chapter.

SEC. 2. Section 4384 of said code is amended to read:

4384. Distributors who are subject to the provisions of any stabilization and marketing plan made effective by this chapter, shall deduct as an assessment from payments due producers for fluid milk, fluid cream or both, including each distributor's own production, the sum of three mills ($0.003) per pound milk fat on all milk fat contained in fluid milk, fluid cream or both, or in the case of distributors who do not purchase or receive fluid milk, in milk fat pounds, the sum of ten and one-half mills ($0 0105) for each 10 gallons of such fluid milk. Said assessment rates are maximum rates. The director may fix the rate of such assessments at a less amount, and may adjust the rate from time to time, whenever he finds that the cost of administering the provisions of this chapter can be defrayed from revenues derived from such lower rates, in combination with such sums as are provided by Section 4383. The amount of the assessments so deducted shall be paid to the director on or before the 15th of the month following the month during which such fluid milk or fluid cream was received.

SEC. 3. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect. However, this act shall not become operative until July 1, 1963.

CHAPTER 426

An act to amend Sections 61754, 61755 and 61757 of the Government Code, to amend Section 72094 of the Government Code as proposed by Senate Bill No. 15, to amend Sections 6782, 6783, 6786, 6940.6, 6940.9, 6941.6, 13902 and 14152 of the Health and Safety Code, to amend Sections 16651 and 16653 of the Public Utilities Code, to amend Section 37206 of the Water Code and to amend Section 24 of the Municipal Water District Law of 1911 (Chapter 671 of the Statutes of 1911), relating to county taxation of public service districts.

[Approved by Governor May 15, 1963. Filed with Secretary of State May 15, 1963.]

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

SECTION 1. Section 61754 of the Government Code is amended to read:

61754. On or about the third Monday in August of each year, the county auditor of the county in which the district is situated shall transmit to the board a statement in writing showing the total value of all property within the district, which value shall be ascertained from the equalized assessment rolls of the respective county or counties.

SEC. 2. Section 61755 of the Government Code is amended to read:

61755. The board shall, before September 1st, fix the rate of taxes, designating the number of cents upon each hundred dollars of assessed valuation, which rate of taxation shall be sufficient to raise the amount previously fixed by the board, as hereinabove prescribed; which acts by the board are a valid assessment of such property and a valid levy of such taxes so fixed. The board shall immediately thereafter transmit to the county auditors a statement of such rate so fixed by the board.

SEC. 3. Section 61757 of the Government Code is amended to read:

61757. The county auditors shall compute and enter in the assessment roll or assessment rolls, the district tax on the property therein enumerated and assessed as being in the district, using the rate or rates of levy so fixed by the board and the assessed value as found in such assessment rolls.

SEC. 4. Section 6782 of the Health and Safety Code is amended to read:

6782. Following the board's election, the county auditor shall on or about the third Monday of August of each year transmit to the board a written statement showing the total value of all property in the district, which value shall be ascertained from the assessment roll used by the county for that year.

SEC. 5. Section 6783 of the Health and Safety Code is amended to read:

6783. The board shall, then, before September 1st, estimate the amount of money needed and fix the rate of taxation for district purposes and for the payment of the principal and interest of that year upon outstanding bonds and the payment of the principal and interest that the board believes will become due during the year on bonds authorized but not sold.

SEC. 6. Section 6786 of the Health and Safety Code is amended to read:

6786. The county auditor shall compute and enter in the county assessment roll the respective sums to be paid as a district tax on the property in the district, using the rate of levy as fixed by the board and the assessed value as found on the assessment roll.

The taxes shall be collected at the same time and in the same manner as county taxes are collected, and when collected shall be at once paid to the treasurer.

SEC. 7. Section 6940.6 of the Health and Safety Code is amended to read:

6940.6. Following the board's election, the county auditor shall on or about the third Monday in August of each year transmit to the board a written statement showing the total value of all property in the district, which value shall be ascertained from the assessment roll used by the county for that year.

SEC. 8. Section 6940.9 of the Health and Safety Code is amended to read:

6940.9. Before the first day of September the district board shall fix the rate of taxation for district purposes and for the payment of the principal and interest of that year upon outstanding bonds and the payment of the principal and interest that the board believes will become due during the year on bonds authorized but not sold.

SEC. 9. Section 6941.6 of the Health and Safety Code is amended to read:

6941.6. The county auditor shall compute and enter in the county assessment roll the respective sums to be paid as a district tax on the property in the district, using the rate of levy as fixed by the board and the assessed value as found on the assessment roll.

The taxes so levied shall be collected at the same time and in the same manner as county taxes are collected, and when collected shall be at once paid to the treasurer.

SEC. 10. Section 13902 of the Health and Safety Code is amended to read:

13902. On or before the 15th day of May of each year the district board shall estimate and determine the annual amount of money required for the district and shall adopt a preliminary budget which shall be detailed in conformity with the Uniform Accounting Procedures for Counties set forth in the California Administrative Code.

SEC. 11. Section 14152 of the Health and Safety Code is amended to read:

14152. On or before the 15th day of May of each year the district board shall estimate and determine the annual amount of money required for the district and shall adopt a preliminary budget which shall be detailed in conformity with the Uniform Accounting Procedures for Counties set forth in the California Administrative Code.

SEC. 12. Section 16651 of the Public Utilities Code is amended to read:

16651. If the board elects to avail itself of county assessments, it shall, before September 1st, fix the rate of taxes, designating the number of cents upon each one hundred dollars ($100), using as a basis the value of property as ascertained from the equalized assessment rolls of the county or counties. The rate of taxation shall be sufficient to raise the amount previously fixed by the board. These acts by the board are a valid assessment of the property and a valid levy of the taxes so fixed.

SEC. 13. Section 16653 of the Public Utilities Code is amended to read:

16653. The county auditors shall compute and enter in the assessment rolls, the district tax on the property enumerated and assessed as being in the district, using the rate of levy fixed by the board, and the assessed value as found in the assessment rolls.

SEC. 14. Section 37206 of the Water Code is amended to read:

37206. On or before the third Monday in August the district board shall furnish to the board of supervisors an estimate in writing of the amount of money needed to be raised by assessment in the county for the payment of its proportion of the amount required for the purposes of the district for the next fiscal year. Except to the extent that provision has otherwise been made by the board, as may be permitted by law, for payment of the principal of and interest upon bonds as they become due and for payment of other claims and expenses of the district, said estimate shall be in an amount sufficient for payment of the county's proportion of the principal of and interest on bonds as they become due and for payment of other claims and expenses of the district.

SEC. 15. Section 24 of the Municipal Water District Law of 1911 (Chapter 671 of the Statutes of 1911) is amended to read:

24. The board of directors shall determine the amounts necessary to be raised by taxation during the fiscal year and shall fix the rate or rates of tax to be levied which will raise the amounts of money required by the district, and on or before the third Monday in August, the board of directors shall certify to the board of supervisors the rate or rates so fixed and shall furnish to the board of supervisors a statement in writing containing the following: (a) an estimate of the minimum amount

of money required to be raised by taxation during the fiscal year for the payment of the principal of an interest on any bonded debt of the district or of an improvement district thereof as will become due before the proceeds of a tax levied at the next general tax levy will be available; (b) an estimate of the minimum amount of money required to be raised by taxation during the fiscal year for all other purposes of the district. The board of directors shall direct that at the time and in the manner required by law for the levying of taxes for county purposes, such board of supervisors shall levy, in addition to such other tax as may be levied by such board of supervisors, at the rate or rates so fixed and determined by the board of directors, a tax upon the property within the district, or improvement district thereof benefited by the bonded debt, as the case may be, and it is made the duty of the officer or body having authority to levy taxes within each county to levy the tax so required. Taxes for the payment of the interest on or principal of any bonded debt shall be levied on the property within the district, or improvement district thereof, benefited by the bonded debt, as determined by the board of directors in the resolution declaring the necessity to incur the debt. Taxes for other purposes of the district shall be levied on all property in the district or portion thereof subject to the particular tax. And it shall be the duty of all county officers charged with the duty of collecting taxes to collect such tax in time, form, and manner as county taxes are collected, and when collected to pay the same to the district. Taxes for the payment of a bonded debt and the interest thereon shall be a lien on all the property benefited thereby as stated in the resolution of the board of directors declaring the necessity to incur the debt. All taxes for other purposes of the district shall be a lien on all the property in the district subject to the respective tax. District taxes, whether for payment of a bonded indebtedness and the interest thereon or for other purposes, shall be of the same force and effect as other liens for taxes, and their collection may be enforced by the same means as provided for the enforcement of liens for state and county taxes.

SEC. 16. Section 72094 of the Government Code as proposed by Senate Bill No. 15 is amended to read:

72094. On or before the third Monday in August, the board shall certify to the board of supervisors the tax rate or rates fixed for the district and shall furnish to the board of supervisors a statement in writing containing the following:

(a) An estimate of the minimum amount of money required to be raised by taxation during the fiscal year for the payment of the principal of and interest on any bonded debt of the district, or of an improvement district therein, that will become due before the proceeds of a tax levied at the next general tax levy will be available.

(b) An estimate of the minimum amount of money required to be raised by taxation during the fiscal year for all other purposes of the district.

SEC. 17. Section 16 of this act shall become operative only if Section 72094 of the Government Code as proposed to be added by Senate Bill No. 15 is enacted by the Legislature at its 1963 Regular Session, and in such case at the same time as said Section 72094 of the Government Code takes effect Section 15 of this act shall become inoperative.

CHAPTER 427

An act to amend Section 442 of the Agricultural Code, relating to milk and milk products.

[Approved by Governor May 15, 1963 Filed with Secretary of State May 15, 1963.]

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

SECTION 1. Section 442 of the Agricultural Code is amended to read:

442. The director may:

(a) Enter and inspect any premises or conveyances where any provision of this division is applicable.

(b) Take samples of milk, cream or products thereof or of imitation milk products.

(c) Impound and hold for analysis or as evidence any milk, cream, products or containers thereof, or imitation milk products.

(d) Whenever the director determines that any female dairy animal, including goats, is carrying pesticide residues in its body or has been fed feeds containing amounts of pesticide residues which will cause the milk produced from the animal to be adulterated with pesticide residues, he may order the animal to be held on the premises where found until he has determined that milk produced by the animal is not adulterated with pesticide residues. It is unlawful to move any such animal except under written permission of the director and in accordance with the conditions stated in such written permission or until the hold order has been revoked. The director shall notify the owner or agent of any animal ordered held or for which he has specified conditions for moving. The director may issue regulations for the proper enforcement of this section. It shall be unlawful for any person to violate any regulation issued under the authority of this section.

(e) Examine, inspect, test or by other means determine the health of cows or goats and exclude from the herd animals the milk from which is unfit for human consumption.

CHAPTER 428

An act to add Section 16555.5 to the Education Code, relating to emergency public use of school property and equipment.

[Approved by Governor May 15, 1963. Filed with Secretary of State May 15, 1963.]

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

SECTION 1. Section 16555.5 is added to the Education Code, to read:

16555.5. The governing board of any school district may grant the use of school buildings, grounds and equipment to public agencies, including the American Red Cross, for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare, and may co-operate with such agencies in furnishing and maintaining such services as the governing board may deem necessary to meet the needs of the community.

CHAPTER 429

An act to amend Section 1944 of the Labor Code, relating to the employment of alien students as assistants and interns in state and county public social services training programs.

[Approved by Governor May 15, 1963. Filed with Secretary of State May 15, 1963.]

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

SECTION 1. Section 1944 of the Labor Code is amended to read:

1944. This article shall not apply:

(a) To the employment as a member of the faculty or teaching force in public schools or in schools supported in whole or in part by the State, of any person who has declared his intention to become a citizen, or of any native-born woman of the United States who has married a noncitizen.

For purposes of the preceding sentence, a declaration of intention to become a citizen shall consist of either: (1) the declaration of intention to become a citizen of the United States, or petition for naturalization, or comparable document prescribed by federal law; or (2) an affidavit filed with, and in the form prescribed by, the State Board of Education, by an individual otherwise eligible for issuance of a public school certification document, declaring that he will, at the first opportunity at which the applicable federal law permits, file such a declaration of intention to become a citizen of the United States, petition for naturalization, or comparable document. In the event the State Board of Education determines that

an individual who has filed under alternative (2) of the preceding sentence, has, without good cause, failed at the first opportunity provided under federal law to file one of the specified documents prescribed by federal law, it shall forthwith revoke any public school certification documents issued to the individual.

(b) To any member of the faculty or teaching force or student body, or to student assistants, of any college or university supported in whole or in part by the State.

(c) To any specialist or expert temporarily employed by any department of the State or any county, or city, and engaged in special investigation or teaching.

(d) In an emergency when it is necessary to protect life, health, or property against fire, flood, or other calamity.

(e) To the employment by a county of an intern or resident physician for services in the county hospital under an exchange arrangement with medical facilities in foreign countries.

(f) To any professional person who has declared his intention to become a citizen.

(g) To any professional librarian, other than a chief librarian, employed for not more than one year.

(h) To the employment by hospital districts or a county hospital or in a hospital or clinic operated by the University of California of professional persons actually licensed by the State of California.

(i) To the employment of persons in positions pertaining to the care and guidance of children in a child care program or the supervision of a child care program supported in whole or in part by the State, of any person who has declared his intention to become a citizen, or of a native-born woman of the United States who has married a noncitizen.

(j) To student assistants and interns in Department of Mental Hygiene training programs.

(k) To student assistants and interns in Department of Social Welfare training programs in that department or in a county welfare department.

SEC. 2. Section 1944 of the Labor Code is amended to read:

1944. This article shall not apply:

(a) To the employment as a member of the faculty or teaching force in public schools or in schools supported in whole or in part by the State, of any person who has declared his intention to become a citizen, or of any native-born woman of the United States who has married a noncitizen.

For purposes of the preceding sentence, a declaration of intention to become a citizen shall consist of either: (1) the declaration of intention to become a citizen of the United States, or petition for naturalization, or comparable document prescribed by federal law; or (2) an affidavit filed with, and in the form prescribed by, the State Board of Education, by an individual otherwise eligible for issuance of a public school certification document, declaring that he will, at the first opportunity at which the applicable federal law permits, file such

a declaration of intention to become a citizen of the United States, petition for naturalization, or comparable document. In the event the State Board of Education determines that an individual who has filed under alternative (2) of the preceding sentence, has, without good cause, failed at the first opportunity provided under federal law to file one of the specified documents prescribed by federal law, it shall forthwith revoke any public school certification documents issued to the individual.

(b) To any member of the faculty or teaching force or student body, or to any professional librarian, or to student assistants, of any college or university supported in whole or in part by the State.

(c) To any specialist or expert temporarily employed by any department of the State or any county, or city, and engaged in special investigation or teaching.

(d) In an emergency when it is necessary to protect life, health, or property against fire, flood, or other calamity.

(e) To the employment by a county of an intern or resident physician for services in the county hospital under an exchange arrangement with medical facilities in foreign countries.

(f) To any professional person who has declared his intention to become a citizen.

(g) To any professional librarian, other than a chief librarian, employed for not more than one year.

(h) To the employment by hospital districts or a county hospital or in a hospital or clinic operated by the University of California of professional persons actually licensed by the State of California.

(i) To the employment of persons in positions pertaining to the care and guidance of children in a child care program or the supervision of a child care program supported in whole or in part by the State, of any person who has declared his intention to become a citizen, or of a native-born woman of the United States who has married a noncitizen.

(j) To student assistants and interns in Department of Mental Hygiene training programs.

(k) To student assistants and interns in Department of Social Welfare training programs in that department or in a county welfare department.

SEC. 3. Section 2 of this act shall become operative only if the amendment to Section 1944 of the Labor Code as proposed by Assembly Bill No. 708 is enacted by the Legislature at its 1963 Regular Session, and in such case at the same time as Assembly Bill No. 708 takes effect.

CHAPTER 430

An act to amend Section 27459 of the Vehicle Code, relating to snow-tread tires.

[Approved by Governor May 15, 1963. Filed with Secretary of State May 15, 1963.]

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

SECTION 1. Section 27459 of the Vehicle Code is amended to read:

27459. No person shall operate any motor vehicle, trailer or semitrailer upon any portion of a highway without tire chains when such portion of the highway is signed for the requirement of such chains. In any case where a passenger vehicle or motor truck having an unladen weight of 5,000 pounds or less may be required by the Department of Public Works to be equipped with tire chains, the department may provide, in the alternative, that the vehicle may be equipped with snow-tread tires on at least two drive wheels except that such tires shall not be used on icy surfaces, and except that such tires shall not be used in any event unless the weather and surface conditions at the time are such that the stopping, tractive and cornering abilities of the tires are adequate. The snow-tread tires shall be of a type and design manufactured for use on ice and snow as a replacement for tire chains and shall be in good condition.

CHAPTER 431

An act to add Section 5780.19 to the Public Resources Code, relating to park and recreation districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 16, 1963. Filed with Secretary of State May 17, 1963.]

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

SECTION 1. Section 5780.19 is added to the Public Resources Code, to read:

5780.19. Any previously organized park, recreation and parkway district, county recreation district, or recreation, park and parkway district which has failed to file the affidavit prescribed by Section 5780.15 prior to July 1, 1962, may file such affidavit with the Secretary of State within 30 days after the effective date of this section if it desires to remain in existence as a recreation and park district. Such district shall also cause to be filed within the same period of time a statement and map or plat pursuant to Sections 54900 and 54901 of the Government Code. When such filings are completed, the district remains in effect as a recreation and park district for all purposes

and taxes may be levied by it for the fiscal year 1963-64 and any fiscal year thereafter. If the affidavit provides for an elected board of directors under Section 5781.4, an election shall be called as provided in Section 5780 15.

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are: In order for the provisions of this act to be effective for the levy of taxes or assessments during the 1963-1964 fiscal year it must take effect immediately; otherwise, any district continued in existence by other provisions of this act will not be able to fulfill the public function for which it was created.

CHAPTER 432

An act to amend Sections 5, 26.4, 26.7, 26.9, 26.15 and 32 of the Santa Clara County Flood Control and Water Conservation District Act (Chapter 1405 of the Statutes of 1951), relating to flood control and water conservation in Santa Clara County.

[Approved by Governor May 16, 1963. Filed with Secretary of State May 17, 1963.]

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

SECTION 1. Section 5 of the Santa Clara County Flood Control and Water Conservation District Act (Chapter 1405 of the Statutes of 1951) is amended to read:

Sec. 5. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual succession.

2. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

3. To adopt a seal and alter it at pleasure.

4. To acquire by grant, purchase, lease, gift, devise, contract, condemnation, construction, or otherwise, and to hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights of way, easements, and privileges, and to construct, maintain, alter and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to complete, extend, add to, alter, remove, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act.

5. To store water in surface or underground reservoirs within or outside of the district for the common benefit of the district or of any zone or zones affected; to conserve and re-

claim water for present and future use within the district; to appropriate and acquire water and water rights, and import water into the district and to conserve within or outside of the district, water for any purpose useful to the district; and to do any and every lawful act necessary to be done that sufficient water may be available for any present or future beneficial use or uses of the lands or inhabitants within the district, including but not limited to, the acquisition, storage and distribution of water for irrigation, domestic, fire protection, municipal, commercial, industrial, and all other beneficial uses; to distribute, sell, or otherwise dispose of, outside the district, any waters not needed for beneficial uses within the district; to commence, maintain, intervene in, defend or compromise, in the name of the district in behalf of the landowners therein, or otherwise, and to assume the costs and expenses of any action or proceeding involving or affecting the ownership or use of waters or water rights within or without the district, used or useful for any purpose of the district or of common benefit to any land situated therein, or involving the wasteful use of water therein; to commence, maintain, intervene in, defend and compromise and to assume the cost and expenses of any and all actions and proceedings now or hereafter begun; to prevent interference with or diminution of, or to declare rights in the natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the district or of common benefit to the lands within the district or to its inhabitants; to prevent unlawful exportation of water from said district; to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used or useful in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in, or flowing into, the district; provided, however, that said district shall not have power to intervene or take part in, or to pay the costs or expenses of, actions or controversies between the owners of lands or water rights which do not affect the interests of the district.

6. To control the flood and storm waters of said district and the flood and storm waters of streams that have their sources outside of said district, but which streams and the flood waters thereof, flow into said district, and to conserve such waters for beneficial and useful purposes of said district by spreading, storing, retaining and causing to percolate into the soil within or without said district, or to save or conserve in any manner all or any of such waters and protect from damage from such flood or storm waters the watercourses, watersheds, public highways, life and property in said district, and the watercourses outside of the district of streams flowing into the district.

7. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels,

conduits, canals, pipelines, roadways and other rights of way; to acquire by purchase, lease, contract, condemnation, gift, devise, or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses, to acquire and to hold in the name of the State, the capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions, or rights, when the ownership of such stock is necessary to secure a water supply required by the district or any part thereof, upon the condition that when holding such stock, the district shall be entitled to all the rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to cooperate with, act in conjunction with, enter into and to do any acts necessary for the proper performance of any agreement with the State of California, or any of its engineers, officers, boards, commissions, departments, or agencies, or with the Government of the United States, or any of its engineers, officers, boards, commissions, departments, or agencies, or with any state, city and county, city, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the ownership, joint acquisition, leasing, disposition, use, management, construction, installation, extension, maintenance, repair, or operation of any rights, works, or other property of a kind which might lawfully be acquired or owned by the Santa Clara County Flood Control and Water Conservation District or for the lawful performance of any power or purpose of said district provided for in this act including, but not limited to, the granting of the right to the use of any water or the right to store such water in any reservoir of the district or to carrying such water through any tunnel, canal, ditch or conduit of the district or for the delivery, sale, or exchange of any water right, water supply or water pumped, stored, appropriated or otherwise acquired or secured for the use of said district, or for controlling drainage waters, or flood or storm waters of streams in or running into said district, or for the protection of life or property therein, or for the purpose of conserving any waters for the beneficial use within said district, or in any other works, uses, or purposes provided for in this act and to adopt and carry out any definite plan or system for accomplishing, facilitating and/or financing all work which may lawfully be accomplished by the Santa Clara County Flood Control and Water Conservation District and to enforce said plan or system by resolution or ordinance.

8. To carry on technical and other necessary investigations, make measurements, collect data, make analyses, studies, and inspections pertaining to water supply, water rights, control of flood and storm waters, and use of water both within and without said district relating to watercourses or streams flowing in or into said district, and in all cases where land may be required for public use by said district, the district, or its agents in charge of such use, shall have the right of access to all properties within the district and elsewhere relating to watercourses and streams flowing in or into said district and may survey and locate the same; but such must be located in a manner which will be most compatible with the greatest public good and the least private injury. The district, or its agents in charge of such public use may enter upon such lands and make examinations, surveys, and maps thereof, and such entry shall constitute no cause of action in favor of the owners of such land, except for injuries resulting from negligence, wantonness, or malice.

9. To prescribe, revise and collect fees and charges for facilities furnished or to be furnished to any new building, improvement or structure by the use of any flood control or storm drainage system constructed or to be constructed in a zone of the district, and whenever a drainage or flood control problem is referred to the district by the County of Santa Clara, or any incorporated city therein, to require the installation of drainage or flood control improvements necessary and/or convenient for needs of the zone, including but not limited to, residential, subdivision, commercial and industrial drainage and flood control needs, said county and cities being hereby authorized to refer all drainage and flood control problems, arising under the Subdivision Map Act or otherwise, to the Santa Clara County Flood Control and Water Conservation District for solution. Revenues derived under this section shall be used for the acquisition, construction, reconstruction, maintenance and operation of the flood control or storm drainage facilities of the said zone, to reduce the principal or interest of any bonded indebtedness thereof, or to replace funds expended on behalf of said zone derived from the fund created under authority of Section 13, subdivision 1.

10. To incur indebtedness, and to issue bonds in the manner herein provided.

11. To cause taxes or assessments to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided.

12. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district or any of the officers thereof, by this act.

13. To have the power and right to disseminate information concerning the rights, properties, activities, plans and proposals of the district; provided, however, that expenditures during any fiscal year for such purposes shall not exceed one-

half cent ($0.005) for each one hundred dollars ($100) of assessed valuation of such district.

14. To pay to any city, public agency or district a portion of the cost of water imported by such city, public agency or district into, for use within, and of benefit to the Santa Clara County Flood Control and Water Conservation District.

SEC. 2. Section 26.4 of said act is amended to read:

Sec. 26.4. Within six months after the date of establishing any such zone or zones, all water-producing facilities located within the boundaries of such zone or zones shall be registered with the district and, if required by the board, measured with a water-measuring device satisfactory to the district installed by the district or at the district's option by the operator thereof. Any new water-producing facility, constructed or re-established after such date, shall be registered with the district and, if required by the board, measured with a water-measuring device satisfactory to the district within 30 days after the completion or re-establishment thereof.

Failure to register any water-producing facility, as required by this act, is a misdemeanor punishable by a fine of not to exceed five hundred dollars ($500), or imprisonment in the county jail for not to exceed six months, or by both such fine and imprisonment.

In addition to other information which the district may determine is necessary and may require in the registration form provided, there shall also be given information as to the owner or owners of the land upon which each water-producing facility is located, a general description and location of each water-producing facility, the name and address of the person charged with the operation of each water-producing facility, and the name or names and addresses of all persons owning or claiming to own an interest in the water-producing facility

SEC. 3. Section 26.7 of said act is amended to read:

Sec. 26.7. Prior to the end of the water year in which said hearing is held, and based upon the findings and determinations from said hearing, the board shall determine whether or not a ground water charge should be levied in any zone or zones. If the board determines that a ground water charge should be levied, it shall levy, assess, and affix such charge or charges against all persons operating ground water-producing facilities within such zone or zones during the ensuing water year. The charge shall be computed at a fixed and uniform rate per acre-foot for agricultural water, and at a fixed and uniform rate per acre-foot for all water other than agricultural water. Different rates may be established in different zones; provided, however, that in each zone the rate for agricultural water shall be fixed and uniform and the rate for water other than agricultural water shall be fixed and uniform

The ground water charge in any year shall not exceed a fixed and uniform rate of five dollars ($5) per acre-foot for agricultural water, or a fixed and uniform rate of twenty dol-

lars ($20) per acre-foot for all water other than agricultural water.

Any ground water charge levied pursuant to this section shall be in addition to any general tax or assessment levied within the district or any zone or zones thereof.

Clerical errors occurring or appearing in the name of any person or in the description of the water-producing facility where the production of water therefrom is otherwise properly charged, or in the making or extension of any charge upon the records which do not affect the substantial rights of the assessee or assessees, shall not invalidate the ground water charge.

SEC. 4. Section 26.9 of said act is amended to read:

Sec. 26.9. After the establishment of a zone in which a ground water charge may be levied, each operator of a water-producing facility within said zone, until such time as said water-producing facility has been permanently abandoned, shall file with the district, on or before the 31st day of January and on or before the 31st day of July in each year, a statement setting forth the total production in acre-feet of water for the preceding six-months period (excluding the month in which the statement is due), a general description or number locating each water-producing facility and the method or basis of the computation of such water production. If no water has been produced from said water-producing facility during the preceding six-months period, said statement shall be filed as provided for herein, setting forth that no water has been produced during said period. Said statement shall be verified by a written declaration that it is made under the penalties of perjury. The ground water charge is payable to the district on or before the last date upon which the water production statements shall be filed, and is computed by multiplying the production in acre-feet of water for each classification as disclosed in the statement by the ground water charge for each classification of water. At such time as any said water-producing facility has been permanently abandoned, the operator thereof shall give written notice of such abandonment to the district. If any operator of a water-producing facility shall fail to pay the ground water charge when due, the district shall charge interest at the rate of one percent (1%) each month on the delinquent amount of the ground water charge.

Should any operator of a water-producing facility fail to register each water-producing facility, or fail to file the water production statements as required by this act, the district shall, in addition to charging interest as provided herein, assess a penalty charge against such operator in an amount of ten precent (10%) of the amount found by said district to be due.

The board may, at the time of fixing the ground water charge, establish a method or methods to be used in computing the amount of water produced from a water-producing facility which is not measured by a measuring device. Such methods may be based upon any, or all, or a combination of some of the

following criteria: size of water-producing facility discharge opening, area served by the water-producing facility, number of persons served by the water-producing facility, use of land served by the water-producing facility, crops grown on land served by the water-producing facility, or any other criteria which may be used to determine with reasonable accuracy the amount of water produced from such water-producing facility

SEC. 5. Section 26.15 of said act is amended to read:

Sec. 26.15. It shall be unlawful to produce water from any water-producing facility required to be registered pursuant to the terms of this act unless such water-producing facility has been registered with the district within the time required by the provisions of this act and, if required by the board, has a water-measuring device affixed thereto capable of registering the accumulated amount of water produced therefrom.

Violation of this provision shall be punishable by a fine not to exceed five hundred dollars ($500), or imprisonment in the county jail for not to exceed six months, or by both such fine and imprisonment. Each day of operation in violation hereof shall constitute a separate offense.

SEC. 6. Section 32 of said act is amended to read:

Sec. 32. The district formed under this act in order to determine the legality of its existence, or any contract entered into by the district, may institute a proceeding therefor in the superior court of this State, in and for the County of Santa Clara, by filing with the clerk of said county a complaint setting forth the name of the district, its exterior boundaries, the date of its organization and a prayer that it be adjudged a legal flood control and water conservation and development district formed under the provisions of this act, or setting forth the name of the district, the parties to and nature of the contract, a copy of the contract, and a prayer that it be adjudged a legal contract. The summons in such proceeding shall be served by publishing a copy thereof once a week for four weeks in a newspaper of general circulation published in said county. The State of California shall be a defendant in such action, and consent therefor is given Service of summons therein shall be made on the Attorney General. The Attorney General shall appear in such action on behalf of the State in the same manner as with appearances in civil actions. Within thirty (30) days after proof of publication of said summons shall have been filed in said proceeding, the State, any property owner or resident in said district, or any person interested may appear as a defendant in said action by serving and filing an answer to said complaint, in which case said answer shall set forth the facts relied upon to show the invalidity of the district, or the contract, and shall be served upon the attorney for said district before being filed in such proceeding. Such proceeding is hereby declared to be a proceeding in rem and the final judgment rendered therein shall be conclusive against all persons whomsoever, including the district and the State of California.

CHAPTER 433

An act to add Sections 1624 and 2309 to the Education Code, relating to public school districts.

[Approved by Governor May 16, 1963. Filed with Secretary of State May 17, 1963.]

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

SECTION 1. Section 1624 is added to the Education Code, to read:

1624. During the first five years following the effective date for all purposes of the formation of a unified school district formed pursuant to Chapter 9 (commencing with Section 3001) of Division 5, no territory shall be removed from the district under any procedure whatever afforded by law without the consent of the governing board of the district having been given prior to the commencement of the proceedings. The provisions of this section shall not be construed to apply to a dissolution of any unified school district pursuant to Article 11 (commencing with Section 3481), Chapter 9, Division 5 of this code.

SEC. 2. Section 2309 is added to said code, to read:

2309. During the first five years following the effective date for all purposes of the formation of a unified school district formed pursuant to Chapter 10 (commencing with Section 3101) of this division, no territory shall be removed from the district under any procedure whatever afforded by law without the consent of the governing board of the district having been given prior to the commencement of the proceedings.

SEC. 3. Section 2 of this act becomes operative only if Division 5 of the Education Code, as proposed to be added by Senate Bill No. 718 of the 1963 Regular Session is enacted by the Legislature at its 1963 Regular Session, and in such case at the same time as said Division 5 takes effect, at which time Section 1624 added to the Education Code by Section 1 of this act is repealed.

CHAPTER 434

An act to amend Sections 2, 6, 7, 9, 11, 12, 16, 17 and 37 of, and to add Sections 9.1, 9.2, 9.3, 9.4, 9.5, 12.1, 12.2, 38.1, and 38.2 to, the San Benito County Water Conservation and Flood Control District Act (Chapter 1598, Statutes of 1953), relating to the San Benito County Water Conservation and Flood Control District.

[Approved by Governor May 16, 1963. Filed with Secretary of State May 17, 1963]

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

SECTION 1. Section 2 of the San Benito County Water Conservation and Flood Control District Act (Chapter 1598, Statutes of 1953) is amended to read:

Sec. 2. A district is hereby created to be called the San Benito County Water Conservation and Flood Control District. Said district shall consist of all of the territory within the County of San Benito.

SEC. 2. Section 6 of said act is amended to read:

Sec. 6. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual succession.

2. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

3. To adopt a seal and alter it at pleasure.

4. To acquire by grant, purchase, lease, gift, devise, contract, condemnation, construction, or otherwise, and to hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights-of-way, easements, and privileges, and to construct, maintain, alter and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and necessary to the full exercise of its powers, and to complete, extend, add to, alter, remove, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act.

5. To store water in surface or underground reservoirs, within or outside of the district for the benefit of any zone or zones of the district affected; to conserve and reclaim water for present and future use within the district; to appropriate and acquire water and water rights, and import water into the district and to conserve within or outside of the district, water for any purpose useful to the district; and to do any and every lawful act necessary to be done that sufficient water may be available for any present or future beneficial use or uses of the lands or inhabitants within the district, including but not limited to, the acquisition, storage and distribution of water for

irrigation, domestic, fire protection, municipal, commercial, industrial, and all other beneficial uses; to distribute, sell, or otherwise dispose of, any waters not needed for beneficial uses within the district; to prevent unlawful exportation of water from said district; to commence, maintain, intervene in, defend or compromise, in the name of the district, in behalf of the landowners therein, or otherwise, and to assume the costs and expenses of any action or proceeding involving or affecting the ownership or use of waters or water rights within or without the district, used or useful for any purpose of the district or of common benefit to any land situated therein, or involving the wasteful use of water therein; to commence, maintain, intervene in, defend and compromise and to assume the cost and expenses of any and all actions and proceedings now or hereafter begun; provided, however, that said district shall not have power to intervene or take part in, or to pay the costs or expenses of, actions or controversies between the owners of lands or water rights which do not affect the interests of the district.

6. To control the flood and storm waters of said district and the flood and storm waters of streams that have their sources outside of said district, but which streams and the flood waters thereof, flow into said district, and to conserve such waters for beneficial and useful purposes of said district by spreading, storing, retaining and causing to percolate into the soil within or without said district, or to save or conserve in any manner all or any of such waters and protect from damage from such flood or storm waters the watercourses, watersheds, public highways, life and property in said district, and the watercourses outside of the district of streams flowing into the district.

7. To co-operate and to act in conjunction with the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public district, or with any public or private corporation, or with any city, city and county, or county, in the construction of any work for the controlling of flood or storm waters of or flowing into said district, or for the protection of life or property therein, or for the purpose of importing waters for beneficial use into said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

8. To carry on technical and other necessary investigations, make measurements, collect data, make analyses, studies, and inspections pertaining to water supply, water rights, control of flood and storm waters, and use of water both within and without said district relating to watercourses or streams flowing in or into said district, and in all cases where land may be required for public use by said district, the district, or its agents in charge of such use, shall have the right of access to all properties within the district and elsewhere relating to watercourses

and streams flowing in or into said district and may survey and locate the same; but such must be located in a manner which will be most compatible with the greatest public good and the least private injury. The district, or its agents in charge of such public use may enter upon such lands and make examinations, surveys, and maps thereof, and such entry shall constitute no cause of action in favor of the owners of such land, except for injuries resulting from negligence, wantonness, or malice.

9. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights-of-way; to acquire by purchase, lease, contract, condemnation, gift, devise, or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses, to acquire and to hold in the name of the State, capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions, or rights, when the ownership of such stock is necessary to secure a water supply required by the district or any part thereof, upon the condition that when holding such stock, the district shall be entitled to all the rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by said San Benito County Water Conservation and Flood Control District; to acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the district; to grant to any owner or lessee the right to the use of any water or right to store such water in any reservoir of the district, or to carry such water through any tunnels, canal, ditch or conduit of the district; to enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or individual of any water right or water pumped, stored, appropriated or otherwise acquired or secured, for the use of the San Benito County Water Conservation and Flood Control District, or for the purpose of exchanging the

same for other water, water right or water supply in exchange for water, water right or water supply to be delivered to said district by the other party to said agreement; to co-operate with, and to act in conjunction with, the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, in the construction of any work for controlling flood or storm waters of streams in or running into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

10. To incur indebtedness and to issue bonds in the manner herein provided.

11. To cause taxes to be levied and collected for the purpose of paying any obligation of the zones established hereunder, and to carry out any of the purposes of this act, in the manner hereinafter provided.

12. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district or any of the officers thereof, by this act.

SEC. 3. Section 7 of said act is amended to read:

Sec. 7. The board shall have no power to levy any taxes on a district basis and all taxes shall be levied or imposed only on land, except that in zones created for flood control taxes may be levied or imposed on land and the improvements thereon, benefiting from district activities on a zone basis in zones created for specific benefits in accordance with the provisions of this act. In any zone said taxes shall in no event exceed an amount of twenty-five cents ($0.25) per hundred dollars ($100) of assessed valuation of land taxed, except that an administrative assessment levied as provided in Section 17 of this act shall in no event exceed ten cents ($0.10) per hundred dollars ($100) of assessed valuation of land taxed; provided, however, that taxes for the service of bonds provided in Section 22 of this act may be in addition to said amount; and provided further, that special taxes to make payments under contracts with other governmental bodies provided in Section 17 of this act may also be in addition to said amount.

SEC. 4. Section 9 of said act is amended to read:

Sec. 9. The governing body of the district shall be a board of five directors of whom two shall be appointed by the board of supervisors of the county within 30 days after the effective date of the amendment of this section at the 1963 Regular Session to serve at the pleasure of said board of supervisors but for not to exceed four years. Such members may be reappointed. The three remaining members of the board shall be, initially, appointed by said board of supervisors within 30 days after the effective date of this section at the 1963 Regular

Session. Said three offices shall thereafter be filled by election at large by the voters of the district as hereinafter provided.

The two directors first appointed to serve at the pleasure of the county board of supervisors shall classify themselves by lot so that one of them shall hold office until his successor takes office following his appointment after two years and the other of them shall hold office until his successor takes office following his appointment after four years; provided, that either such director may be removed at any time at the pleasure of the said board of supervisors and his successor appointed to fill the remainder of his term.

The three directors whose offices are thereafter to be filled by election at large shall when first appointed be appointed so that one shall hold office until his successor takes office following his election at the first succeeding district election, and so that two shall hold office until their successors take office following their election at the second succeeding district election.

The three directors elected at large, except the first such directors, shall each be elected at the district election and serve a term of four years. Each candidate for director at the district election shall declare his candidacy and shall be nominated, election returns shall be canvassed, the election shall be held and conducted, the results shall be declared, and the certificates of election shall be issued, in the same manner as the declaration of candidacy, nomination, election, canvassing of returns, declaration of results, and issuing of certificates of election for county supervisors are made, declared, held and conducted, and issued, so far as consistent with the provisions of this act. The candidate receiving the highest number of votes shall be elected. Vacancies among elected directors, including the failure of an elected person to qualify, shall be filled by the appointment by the remaining directors of a person who is eligible to be elected for the vacancy. Directors shall be residents and landowners within the district.

SEC. 5. Section 9.1 is added to said act, to read:

Sec. 9.1. Within 30 days after the initial appointments prescribed in Section 9 and thereafter within 30 days after those who are elected at the succeeding election take office, the directors shall meet and organize as a board.

The board shall:

(a) Elect one of its members president;

(b) Provide for the time and place of holding its regular meeting; and

(c) Provide for the manner of calling special meetings.

The board shall act only by ordinance, resolution or motion. The affirmative vote of a majority of the members shall be necessary for the adoption of any ordinance, resolution or motion.

All ordinances shall be signed by the president and attested by the secretary, shall be adopted, recorded and published in the same manner, except as herein otherwise expressly provided, as are ordinances of the county. A majority of the board

shall constitute a quorum for the transaction of business, and the board may transact any business of the district at its organization meeting.

The board shall establish rules for its proceedings and all legislative sessions of the board shall be public.

SEC. 6. Section 9.2 is added to said act, to read:

Sec. 9.2. Each member of the board of directors shall be entitled to receive from the district the sum of twenty-five dollars ($25) for each day's attendance at the meetings of the board not to exceed a maximum of five hundred dollars ($500) in each calendar year. In addition to such compensation all members shall be entitled to receive their actual and necessary expenses incurred while on official business of the district under an order of the board.

SEC. 7. Section 9.3 is added to said act, to read:

Sec. 9 3. A general district election shall be held in the district on the second Tuesday after the first Monday in February in each odd-numbered year, at which a successor shall be chosen for each director whose term of elective office expires thereafter. The term of elected directors expires at noon on the first Tuesday in March of the next odd-numbered year after the year in which the meeting provided for in Section 9.1 is held.

One hundred days before the election the board shall cause to be published a notice to the effect that petitions of nomination may be filed for the office or offices of director to be filled at the election.

Not more than 91 days and not less than 60 days prior to the election, any five or more landowners of the district may file with the board a petition requesting that the name of a certain person be placed upon the ballot as a candidate for the office of director. Each person nominated shall be an owner of land and a resident within the district For this purpose ownership of land may be shown by reference to the last equalized assessment roll of the county. Prior to casting a ballot at such election every voter must execute an affidavit that he is an owner of land within the district at the time of the election and submit such affidavit with his ballot.

SEC. 8. Section 9.4 is added to said act, to read:

Sec. 9 4. If on the 50th day prior to the day fixed for the general district election it appears that one person but not more than one, or that no person, has been nominated for the position of director, which is to be filled at that election, and that a petition, signed by not less than 5 percent of the landowners of the district requesting that the general district election be held has not been filed with the board of directors, the board at a regular, adjourned or special meeting held prior to the day fixed for the election shall appoint to the position the person who has been nominated therefor, or if no person has been nominated, any qualified person The person so appointed shall qualify, take office and serve exactly as if elected at a general district election.

In such instances a notice that no election is to be held but that the board will appoint the nominated, or qualified person if none has been nominated, for said position of director, shall be published once at least five days prior to the date on which the election would have been held.

Notice that such appointment may be made in the event that only one or no nomination is made and no petition requesting an election is filed shall be published in a newspaper of general circulation in the district, once, not less than 7 days and not more than 14 days prior to the final day on which nominations may be made.

SEC. 9. Section 9.5 is added to said act, to read:

Sec. 9.5. The secretary of the district shall certify to the district a statement of the result of the election which shall show (a) the whole number of votes cast in the district, (b) the names of the candidates voted for, (c) the number of votes given in each precinct for each candidate. The secretary shall immediately make out, sign, and deliver to each person elected a certificate of election.

Directors elected, or appointed in the absence of an election, shall qualify within 20 days after receiving the certificate of the secretary by taking the oath The premiums on directors bonds required by this act shall be paid by the district. Directors when qualified shall take office at noon on the first Tuesday in March next following their election, or appointment in the absence of election.

Each director shall execute an official bond in the sum of two thousand five hundred dollars ($2,500) which shall be approved by the judge of the superior court of the county, and shall be recorded in the office of the county recorder of the county, and then, together with his official oath, filed with the secretary of the board of directors. All official bonds herein provided for shall be in the form prescribed by law for the official bonds of county officers.

SEC. 10. Section 11 of said act is amended to read:

Sec. 11. The board shall have power to make and enforce all needful rules and regulations for the administration and government of the district, and to appoint and employ all agents, superintendents, engineers, attorneys, and employees necessary or proper to perform all other acts necessary or proper to accomplish the purposes of this act.

In addition to the officers and employees herein otherwise prescribed, the board may in its discretion appoint a secretary and such other officers, agents and employees for the board or district as in its judgment may be deemed necessary, prescribe their duties and fix their compensation, which said officers, agents and employees so appointed shall hold their respective offices or positions during the pleasure of the board.

SEC. 10.5. Section 12 of said act is amended to read:

Sec. 12. The board by resolution thereof shall proceed to and establish such zones within said district as in the judgment of said board are necessary to equitably apportion the benefits

of said district to the lands within the respective zones. Such zones may be established within said district without reference to the boundaries of other zones, by setting forth the descriptions thereof by metes and bounds and by entitling each of such zones by a zone number. All zones shall be established only with respect to projects for the specific use and benefit of such zones and proceedings for the establishment of such zones may be conducted concurrently with and as a part of proceedings for the instituting of projects relating to such zones, which proceedings shall be instituted in the manner prescribed in Section 15 of this act; provided, that the board shall not have the power to establish a zone in any part of the area of a water district, water conservation district or similarly empowered public agency, the area of which lies partially within and partially without the boundaries of the district, without the express authority of the legislative body of such water district, water conservation district or similarly empowered public agency first had and obtained.

SEC. 11. Section 12.1 is added to said act, to read:

Sec. 12.1. Notwithstanding any other provision of this act it shall be unlawful to levy a tax for a project in more than one zone established in the same area.

SEC. 12. Section 12 2 is added to said act, to read:

Sec. 12.2. Any zone heretofore or hereafter established by the board within said district may be dissolved by resolution of the board in the following manner. The board shall adopt a resolution specifying its intention to dissolve a zone, specifying the zone number, and fixing a time and place for public hearing of said resolution. Notice of said hearing shall be given by publication pursuant to Section 6066 of the Government Code in a newspaper of general circulation designated by the board, circulated in such zone, if there be such newspaper, and if there be no such newspaper then by posting notice for two consecutive weeks prior to said hearing in five public places designated by the board in such zone. Publication shall be complete at least seven days before the date of the hearing.

At the time and place fixed for the hearing, or at any time to which said hearing may be continued, the board shall hear all persons appearing either for or against the dissolution of said zone.

If at the conclusion of the hearing the board determines that there is good cause therefor it may adopt a resolution dissolving the zone if the following facts exist:

a. The zone has no indebtedness, bonded, contractual or otherwise, or at all;

b. The zone is providing no service;

c. The zone has no property, works, or assets except unexpended cash reserves;

d. The board determines that no useful purpose would be served by continuing the existence of the zone

The resolution shall state all of the above facts.

Upon dissolution of a zone pursuant to this section, any unexpended cash reserves standing to the credit of such zone shall be deposited in the general fund of the district.

SEC. 13. Section 16 of said act is amended to read:

Sec 16. A zone is hereby established within said district to be known as the administrative assessment zone of the district. The territory of said administrative assessment zone shall consist of the territory of all the zones heretofore or hereafter established by the board and existing for the institution of projects, but without any overlap of such territories.

SEC. 14. Section 17 of said act is amended to read:

Sec. 17. The board shall have power, in any year:

To levy taxes upon all land in each or any of said zones, or in the case of zones created for flood control, on all land and the improvements thereon, according to benefits derived or to be derived therein to pay the cost and expenses of carrying out any of the objects or purposes of this act of benefit to such zones, including the administering, constructing, maintaining, operating, extending, repairing, or otherwise improving any or all works of improvement established or to be established within or on behalf of said respective zones and, additionally, within the administrative assessment zone, for the administrative costs of all such zones. Said taxes shall be based upon the assessment rolls used by the county for general tax purposes.

In the event of project co-operation with any of the governmental bodies as authorized in subdivision 7 of Section 6 of this act, and the making of a contract with any such governmental body for the purposes set forth in said subdivision 7, by the terms of which work is agreed to be performed by any such governmental body, or with reimbursable funds of such governmental body, in any specified zone or participating zones, for the particular benefit thereof, and by said contract it is agreed that the district is to pay to such governmental body, a sum of money in consideration or subvention for the performance of said work by such governmental body, the board may levy and collect a special tax upon the property in such zone or participating zones, whereby to raise funds to enable the district to make such payment.

Said taxes shall be levied and collected together with, and not separately from taxes for county purposes, and the revenues derived from said taxes shall be paid into the county treasury to the credit of said district, and the respective zones thereof, and the board shall have the power to control and order the expenditure thereof for said purposes; provided, however, that no revenues, or portions thereof, derived in any of the several zones from the taxes levied under the provisions of this section shall be expended for constructing, maintaining, operating, extending, repairing or otherwise improving any works or improvements located in any other zone, except in the case of joint projects, or for projects authorized or established outside such zone, or zones, but for the benefit thereof. In cases of projects joint to two or more zones, such

zones will become, and shall be referred to as, participating zones.

SEC. 15. Section 37 of said act is amended to read:

Sec. 37. Employees appointed by the board under this act when required by resolution therefor of the board, shall execute bonds conditioned, executed, approved, filed, and recorded in the general manner and form provided by law for officers, other than supervisors, of said county, before entering upon the duties of their respective employments. The district shall pay the cost of such bonds.

SEC. 16. Section 38.1 is added to said act, to read:

Sec. 38.1. Neither the establishment of the district, nor any zone therein, nor any provision of this act shall affect, restrict or supersede the existence, property, right or power of any municipality, public district or public agency established in or partially within the district notwithstanding the identity or substantial identity of purposes of the district and such municipality, public district, or public agency. Nor shall such establishment nor this act impair the vested right of any person, association, corporation, municipality, public district or public agency in or to any water or the use thereof.

SEC. 17. Section 38.2 is added to said act, to read:

Sec. 38.2. The district may be dissolved in the manner provided for the dissolution of districts by Chapter 4 (commencing with Section 58950) of Division 1 of Title 6 of the Government Code.

CHAPTER 435

An act to add Section 424 to the Elections Code, relating to duplicate affidavits of registration.

[Approved by Governor May 16, 1963. Filed with Secretary of State May 17, 1963.]

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

SECTION 1. Section 424 is added to the Elections Code, to read:

424. In lieu of an alphabetical arrangement of the duplicate affidavits of registration as provided in Section 423, the duplicate affidavits may be arranged and filed in ascending numerical order according to the number of the affidavit printed thereon. If the duplicate affidavits are arranged in numerical order, as provided in this section, the county clerk shall, by electronic, electromechanical or other suitable means, provide, for general use in his office, a comprehensive, printed alphabetical index to the surnames of voters on all uncanceled affidavits for the whole of the county, whereby the original or duplicate affidavit of registration of any voter may be ascer-

tained and produced with or without regard to precinct. In case of voters having the same surname, the classification of names appearing on the index shall extend to the given and, where necessary, the middle name or initial.

CHAPTER 436

An act to amend Sections 11801, 11831, 11860, 11861, and 11862 of the Elections Code, relating to campaign expenditure statements.

[Approved by Governor May 16, 1963. Filed with Secretary of State May 17, 1963.]

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

SECTION 1 Section 11801 of the Elections Code is amended to read:

11801. "Association" means any person, committee, firm, association, public or private corporation, or other group of persons, whether incorporated or not, that for the payment of expenses in a campaign to influence the action of the voters for or against the adoption of any measure voted upon at a statewide, county, or municipal election does either or both of the following:

(a) Collects, raises, or receives money or promises of money aggregating from all sources more than one thousand dollars ($1,000).

(b) Expends more than one thousand dollars ($1,000) of its own money or funds.

SEC. 2. Section 11831 of said code is amended to read:

11831. Every statement of receipts and expenses required to be filed under this article shall be itemized, detailed, and verified. Statements relating to measures voted on at statewide elections shall be filed, in triplicate, in the office of the Secretary of State; statements relating to measures voted on at county elections shall be filed in the office of the county clerk of the county where the election is held; and statements relating to measures voted on at municipal elections shall be filed in the office of the city clerk of the city where the election is held.

As used in this section "county clerk" does not mean registrar of voters.

SEC. 3. Section 11860 of said code is amended to read:

11860. Upon the filing in triplicate of the respective statements required by this chapter to be filed with the office of the Secretary of State, the Secretary of State shall forthwith transmit one of the triplicate copies to the county clerk of Los Angeles County and one of the triplicate copies to the county clerk of the City and County of San Francisco.

As used in this section "county clerk" does not mean registrar of voters.

SEC. 4. Section 11861 of said code is amended to read:

11861. The Secretary of State shall furnish like copies of the statements required by this chapter to be filed with the office of the Secretary of State, to any other county clerk upon demand.

SEC. 5. Section 11862 of said code is amended to read:

11862. The copies of statements furnished to county clerks as provided in this article and the statements required to be filed under this chapter shall be kept on file and shall be open to public inspection.

CHAPTER 437

An act to add Section 323 to the Elections Code, relating to the registration of voters.

[Approved by Governor May 16, 1963. Filed with Secretary of State May 17, 1963.]

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

SECTION 1. Section 323 is added to the Elections Code, to read:

323. In lieu of a stub or stubs to the original and duplicate affidavit of registration, as provided for in Section 322, the county clerk may provide original and duplicate blank forms for the affidavits of registration together with a triplicate form upon which shall be printed blanks for that portion of the affidavit to include the following:

(a) The name, residence, occupation, political affiliation, and signature of the voter.

(b) The signature of the registration clerk or deputy registrar taking the registration.

(c) The date.

Each original, duplicate, and triplicate shall bear the same number and on the left-hand margin of the duplicate affidavit shall appear the words "Office Copy," and on the left-hand margin of the triplicate form shall appear the words "Voter's Copy." These words shall be printed in not less than 24-point blackface type.

At the time of registering the voter, the registration clerk or deputy registrar shall detach only the triplicate form from the pad and hand it to the voter.

CHAPTER 438

An act to amend Sections 7403, 7726, 7727, 8105 and 8351 of the Revenue and Taxation Code, relating to the Motor Vehicle Fuel License Tax Law.

[Approved by Governor May 16, 1963. Filed with Secretary of State May 17, 1963.]

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

SECTION 1. Section 7403 of the Revenue and Taxation Code is amended to read:

7403. All export certificates required to be filed with the board under Section 7402 shall be completed and be filed with the board within three months after the close of the calendar month in which the fuel is exported. Failure to file the certificate within the time required shall not preclude the distributor from filing a claim for refund under Article 2 (commencing at Section 8126), Chapter 7, of this part with respect to the tax paid by the distributor on motor vehicle fuel which has been exported.

SEC. 2. Section 7726 of said code is amended to read:

7726. If any person becomes a distributor without first securing a license, the license tax, applicable penalties and interest, if any, become immediately due and payable on account of all motor vehicle fuel distributions made by him.

If a broker makes sales or otherwise disposes of motor vehicle fuel the aggregate gallonage of which is in excess of his acquisitions of that fuel from distributions with respect to which the tax has been paid, as disclosed by his inventories and records of purchases, he shall be regarded as an unlicensed distributor of that excess of motor vehicle fuel and shall be subject to the provisions of this article as an unlicensed distributor of that fuel, unless he shall establish that the license tax has been paid with respect to all fuel sold or otherwise disposed of by him.

SEC. 3. Section 7727 of said code is amended to read:

7727. The board shall forthwith ascertain as best it may the amount of the distributions and shall determine immediately the license tax on the amount, adding to the license tax a penalty of 25 percent of the amount of the tax, and shall give the unlicensed distributor notice of this determination as prescribed by Section 7493; provided, however, that where the board shall determine that failure to secure a license was due to reasonable cause, such penalty may be waived. Provisions of Sections 7699 and 7700 shall be applicable with respect to the finality of the determination and the right of the unlicensed distributor to petition for a redetermination.

SEC. 4. Section 8105 of said code is amended to read:

8105. All applications for refund under Section 8101 based upon exportation of motor vehicle fuel from this State shall be filed with the Controller within three months after the close

of the calendar month in which the fuel is exported. The Controller for good cause may extend for not more than six months the time for which the claim for refund may be filed on account of the exportation, provided a request therefor is filed with the Controller within or prior to the period for which the extension may be granted. All other applications for refund provided under said section, except where an extension of time has been granted, shall be filed within 13 months from the date of the purchase of the motor vehicle fuel. Any application filed after the time prescribed shall not be considered for any purpose by the Controller, the State Treasurer, or the State.

SEC. 5. Section 8351 of said code is amended to read:

8351. The Controller shall transmit all money received by him in payment of license taxes, interest, and penalties due under this part to the State Treasurer who shall deposit it in the State Treasury and credit it to the Motor Vehicle Fuel Fund, which fund is continued in existence. All fees paid and accepted for issuance or reinstatement of licenses under this part shall be deposited by the board in the State Treasury to the credit of the same fund.

CHAPTER 439

An act to amend Sections 6368, 6369, 6370, 6372, and 6373 of the Education Code, relating to community service classes.

[Approved by Governor May 16, 1963. Filed with Secretary of State May 17, 1963.]

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

SECTION 1. Section 6368 of the Education Code is amended to read:

6368. The governing board of any school district maintaining secondary schools is authorized without the approval of the State Department of Education to establish and maintain community service classes in civic, vocational, literacy, health, homemaking, technical and general education, including but not limited to classes in the fields of music, drama, art, handicraft, science, literature, nature study, nature contacting, aquatic sports and athletics. Such classes shall be designed to provide instruction and to contribute to the physical, mental, moral, economic, or civic development of the individuals or groups enrolled therein.

SEC. 2. Section 6369 of said code is amended to read:

6369. Community service classes shall be open for the admission of adults and of such minors as in the judgment of the governing board may profit therefrom.

SEC. 3. Section 6370 of said code is amended to read:

6370. Community service classes may be convened at such hours and for such length of time during the day or evening

and at such period and for such length of time during the school year as may be determined by the governing board of the district.

SEC. 4. Section 6372 of said code is amended to read:

6372. Attendance or average daily attendance in community service classes pursuant to Sections 6368 to 6373, inclusive, shall not be reported to the State Department of Education for apportionment. No apportionment from state funds shall be made to establish or maintain such classes.

SEC. 5. Section 6373 of said code is amended to read:

6373. Governing boards may expend from the general fund of the district any money which is budgeted for community services to establish and maintain community service classes and may charge student fees not to exceed the cost of maintaining such classes or may provide instruction in such classes for remuneration by contract, or with contributions or donations of individuals or groups.

CHAPTER 440

An act to amend Section 25750 of the Health and Safety Code, relating to atomic energy.

[Approved by Governor May 16, 1963. Filed with Secretary of State May 17, 1963.]

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

SECTION 1. Section 25750 of the Health and Safety Code is amended to read:

25750. There is in the state government the Departmental Co-ordinating Committee on Atomic Energy Development and Radiation Protection which shall consist of the Co-ordinator of Atomic Energy Development and Radiation Protection as chairman and the heads of the following state departments and agencies, or the individuals designated by the heads of such departments or agencies to represent them: the Department of Public Health, the Department of Industrial Relations, the Department of Water Resources, the Department of Conservation, the Department of Parks and Recreation, the Department of Fish and Game, the State Water Pollution Control Board, the California Disaster Office, the Attorney General, the Department of Agriculture, the Department of Public Works, the Department of the California Highway Patrol, the Department of Education, the Department of Finance, the University of California, the Public Utilities Commission, the office of the State Fire Marshal, and such other state departments or agencies as the Governor may select.

CHAPTER 441

An act to amend Section 17922 of the Health and Safety Code, relating to State Housing Law.

[Approved by Governor May 16, 1963. Filed with Secretary of State May 17, 1963.]

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

SECTION 1. Section 17922 of the Health and Safety Code is amended to read:

17922. The rules and regulations adopted, amended, or repealed from time to time pursuant to this chapter shall include provisions imposing requirements equal to or more restrictive than those contained in the Uniform Housing Code, 1961 edition, the Uniform Building Code, 1961 edition, as adopted by the International Conference of Building Officials, the Uniform Plumbing Code, 1961 edition, as adopted by the Western Plumbing Officials Association, the minimum painting standards for home construction loans adopted by the Federal Housing Administration and the Department of Veterans Affairs, and the National Electrical Code, 1962 edition, as adopted by the National Fire Protection Association. The department shall adopt such other rules and regulations as it deems necessary to carry out the provisions of this part. In promulgating rules and regulations the department shall consider any amendments to the uniform codes referred to in this section. In promulgating rules and regulations the department shall also consider, among other things, geographic, topographic and climatic conditions.

Local use zone requirements, local fire zones, building setback, side and rear yard requirements, and property line requirements are hereby specifically and entirely reserved to the local jurisdictions notwithstanding any requirements found or set forth in this part.

CHAPTER 442

An act to amend Section 2582 of the Education Code (as added by Chapter 1077 of the Statutes of 1961), to amend Section 2502 of Division 5 of said code as proposed to be added by Senate Bill No. 718 of the 1963 Regular Session, and to amend Section 25457.5 of Division 18.5 of said code as proposed to be added by Senate Bill No. 78 of the 1963 Regular Session, relating to school district organization.

[Approved by Governor May 16, 1963. Filed with Secretary of State May 17, 1963.]

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

SECTION 1. Section 2582 of the Education Code (as added by Chapter 1077 of the Statutes of 1961) is amended to read:

2582. On or before September 15, 1967, the county committee on school district organization of each county shall submit plans and recommendations for the formation of one or more junior college districts in the county. Whenever it is proposed to include territory of more than one county in a junior college district the county committee on school district organization shall consist of the members of the county committee on school district organization of each county affected and shall be augmented as provided in Section 3113.

SEC. 2. Section 2502 of Division 5 of said code as proposed to be added by Senate Bill No. 718 of the 1963 Regular Session is amended to read:

2502. On or before September 15, 1967, the county committee of each county shall submit plans and recommendations for the formation of one or more junior college districts in the county. Whenever it is proposed to include territory of more than one county in a junior college district the county committee shall consist of the members of the county committee of each county affected and shall be augmented as provided in Section 3205.

SEC. 3. Section 25457.5 of Division 18.5 as proposed to be added to said code by Senate Bill No. 78 of the 1963 Regular Session is amended to read:

25457.5. On or before September 15, 1967, the county committee on school district organization of each county shall submit plans and recommendations for the formation of one or more junior college districts in the county. Whenever it is proposed to include territory of more than one county in a junior college district the county committee on school district organization shall consist of the members of the county committee on school district organization of each county affected and shall be augmented as provided in Section 3113.

SEC. 4. Section 2 of this act shall become operative only if Senate Bill No 718 of the 1963 Regular Session is enacted by the Legislature at such session and if Senate Bill No. 78 of such session is not enacted by the Legislature at such session, and, in such case, at the same time as said Senate Bill No. 718 takes effect, at which time Sections 2582 and 25457.5 of the Education Code, as amended by this act are repealed.

Section 3 of this act shall become operative only if Senate Bill No. 78 of the 1963 Regular Session is enacted by the Legislature at such session and, in such case, at the same time as said Senate Bill No. 78 takes effect, at which time Sections 2582 and 2502 of the Education Code as amended by this act are repealed.

CHAPTER 443

An act to maintain the Welfare and Institutions Code by amending Sections 1576, 1725, 1737, 1760.4, 1760.5, and 2160.1, and by repealing Sections 2026, 3011, and 3411, as added respectively by Section 1 of Chapter 1226, Section 1 of Chapter 1996, and Section 1 of Chapter 1995, of the Statutes of 1961, thereof, relating to the provisions for protection and care of children, aged persons, and others specially in need thereof, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 16, 1963 Filed with Secretary of State May 17, 1963]

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

SECTION 1. Section 1576 of the Welfare and Institutions Code is amended to read:

1576. If the district attorney, during the course of any investigation made by him pursuant to this article, determines that any person has committed any act or has omitted the performance of any duty, which act or omission causes or tends to cause or encourage any child receiving aid under this chapter to come within the provisions of Sections 600, 601, or 602 of this code, the district attorney shall prosecute such person under the provisions of Section 272 of the Penal Code.

SEC. 2 Section 1725 of said code is amended to read:

1725. The powers and duties of the authority in respect to acceptance and rejection of commitments, designation of point of temporary detention, initial classification, assignment or transfer to institutions or facilities operated by agencies other than the Youth Authority, discharge of commitment, determination of conditions of parole and release of persons committed to the authority or to or for placement in correctional schools, order of return of persons to the court of commitment for redisposition by the court, order of return of nonresident persons committed to the jurisdiction of the state of legal residence, adoption of standards and qualifications as provided in Sections 885 and 1760.7 of this code and revocation or suspension of parole shall be exercised and performed by the authority as such, and shall not be delegated by it to, nor exercised or performed by, any individual member except as provided in Section 1711.5 of this code. All other powers, duties, and functions granted to or imposed upon the authority by any provision of law shall be exercised and performed by the director The director may make and enforce all rules appropriate to the proper accomplishment of his functions.

The director may delegate the powers and duties vested in him by this section, in accordance with Section 7 of this code. The director may also designate any officer or employee of the authority as his representative to preside at the meetings of the authority whenever his other duties prevent him from

personally attending such meetings and to exercise his powers and perform his duties as a member of the authority (other than his powers and duties as director).

SEC. 3. Section 1737 of said code is amended to read:

1737. After a court has committed a person to the authority such court has no power to suspend execution of the commitment. Nothing in this section shall limit or restrict the jurisdiction and powers of the juvenile court under Sections 775 and 779 of this code.

SEC. 4. Section 1760.4 of said code is amended to read:

1760.4. The boys housed in forestry camps established by the Youth Authority may be required to labor on the buildings and grounds of the camp, on the making of forest roads for fire prevention or firefighting, on forestation or reforestation of public lands, or on the making of fire trails and firebreaks, or in fire suppression, or to perform any other work or engage in any studies or activities prescribed or permitted by the Youth Authority or any officer designated by it.

The Youth Authority may provide, in co-operation with the Department of Parks and Recreation and the Department of Conservation or otherwise, for the payment of wages to the boys for work they do while housed in such camps, the sums earned to be paid in reparation, or to the parents or dependents of the boy, or to the boy in such manner and in such proportions as the Youth Authority directs.

SEC. 5. Section 1760.5 of said code is amended to read:

1760.5. The director may require persons committed to the authority to perform work necessary and proper to be done by the Division of Forestry in the Department of Conservation, the Division of Beaches and Parks in the Department of Parks and Recreation, and the Department of Fish and Game, by the Division of State Lands in the Department of Finance, by the United States Department of Agriculture, and by the federal officials and departments in charge of national forests and parks within this State. For the purposes of this section, the director, with the approval of the Department of Finance, may enter into contracts with federal and state officials and departments. All moneys received by the director pursuant to any such contract shall be paid into the State Treasury to the credit and in augmentation of the current appropriation for the support of the authority.

SEC. 6. Section 2160.1 of said code is amended to read:

2160.1. Any patient or inmate of a public institution who is not qualified for aid because of the provisions of subsections (g), (h) or (i) of Section 2160 may make application for aid under this chapter and have his application investigated and acted upon without delay, in the same manner as applications of other persons are acted upon, while he is such a patient or inmate, and, if he is otherwise qualified under the terms of this chapter, such application shall be approved. The applicant may remain a patient or inmate of such institution

until he receives his first monthly payment, whereupon he shall leave the institution.

SEC. 7. Section 2026 of said code as enacted by Section 1 of Section 1226 of the Statutes of 1961 is repealed.

SEC. 8. Section 3011 of said code as enacted by Section 1 of Chapter 1996 of the Statutes of 1961 is repealed.

SEC. 9. Section 3411 of said code as enacted by Section 1 of Chapter 1995 of the Statutes of 1961 is repealed.

SEC. 10. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

This act makes various technical changes in sections of the Welfare and Institutions Code. In order that legislation presently pending may be directed to the sections, as revised, and to eliminate the possibility that this act might eliminate changes in substance in the sections, it is essential that this act go into effect immediately.

CHAPTER 444

An act to amend Section 645 of the Vehicle Code, relating to transporters.

[Approved by Governor May 16, 1963. Filed with Secretary of State May 17, 1963.]

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

SECTION 1. Section 645 of the Vehicle Code is amended to read as follows:

645. (a) A "transporter" is a person engaged in the business of moving any owned or lawfully possessed vehicle by lawful methods over the highways for the purpose of delivery of such vehicles to dealers, sales agents of a manufacturer, purchasers, or to a new location as requested by the owner.

(b) The term "transporter" does not include a person engaged in the business of operating a tow car.

CHAPTER 445

An act to validate certain contracts entered into by school districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 16, 1963. Filed with Secretary of State May 17, 1963.]

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

SECTION 1. Any contracts entered into by a school district, effective, and to be performed, during the 1961-1962 fiscal year, including contracts pursuant to which personal services were rendered the district by certificated and noncertificated district employees, and contracts pursuant to which materials, supplies, equipment, benefits or privileges, and personal services were rendered and afforded to the district by other persons, firms, and agencies, the enforceability of which contracts, with reference to payments to be made thereunder by the district, is subject to some legal question because of shortages in revenues accruing to the district during such fiscal year, are hereby approved, confirmed, and validated to all intents and purposes, and all payments made and obligations of the district to make payments pursuant to such contracts are hereby ratified, approved, confirmed and declared to be legal and binding.

SEC. 2. This act shall apply only to a school district with respect to which all of the following conditions or circumstances are applicable:

(a) During the fiscal year immediately succeeding that (1961-1962) in and for which the contractual liabilities of the district described in Section 1 were incurred, the electors of the district approved an increase in the maximum general district tax rate sufficient to provide necessary funds to meet the said contractual liabilities.

(b) Unpaid end-of-year amounts owing on salaries of certificated and classified employees of the district constitute more than fifty percent (50%) of the general fund deficit balance (determined by standard accounting practice) as of the end of the 1961-1962 fiscal year.

(c) More than sixty percent (60%) of the support for current operations of the district during the 1961-1962 fiscal year was provided from state sources.

(d) The amount received by the district in the form of special purpose apportionments from the State School Fund during the 1961-1962 fiscal year was less than sixty percent (60%) of the total budgeted.

(e) The amount received by the district in the form of growth apportionments from the State School Fund in the 1961-1962 fiscal year was less than seventy percent (70%) of the amount anticipated and budgeted using standard forecasting factors.

(f) The actual district tax delinquency rate for the 1961-1962 fiscal year was more than ten percent (10%), and was a factor in causing the income of the district from district sources to fall below the amount anticipated.

SEC. 3. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

There is at least one school district which comes under the provisions of this act. The electors of such district have approved a tax increase sufficient to meet contractual liabilities of the district. However, due to some legal question as to the contractual liabilities the district is presently unable to pay such liabilities, many of which are payable to employees of the school for whom further delay in payment will cause hardship. It is also necessary that these liabilities are paid as soon as possible in order to prevent lengthy litigation which may hinder the school's ability to provide to its pupils the quality of education needed.

CHAPTER 446

An act to add Chapter 9 (commencing with Section 60300) to Division 1 of Title 6 of the Government Code, relating to districts.

[Approved by Governor May 18, 1963. Filed with Secretary of State May 20, 1963.]

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

SECTION 1. Chapter 9 (commencing with Section 60300) is added to Division 1 of Title 6 of the Government Code, to read:

CHAPTER 9. SPECIAL DISTRICT SECRETARIES

60300. The governing board of any public district which has, or any special district which has, a governing board composed of elective members, except the governing board of any school district, shall file the name of the secretary of such district with the county clerk of each county in which the district is located in whole or in part. If a county has established the office of clerk of the board of supervisors independent of the county clerk, the filing hereunder shall be with the clerk of the board of supervisors rather than the county clerk. The name of a secretary serving as of the effective date of this section shall be filed within thirty (30) days after the effective date of this section. The name of a secretary appointed after the effective date of this section shall be filed within ten (10) days of appointment. "Secretary" as used

in this section means the person who has custody of the records and documents of the district.

60301. The county clerk or clerk of the board of supervisors, whichever the case may be, shall maintain a register, which shall be open to the public, containing the names filed with him pursuant to Section 60300.

CHAPTER 447

An act to amend Section 8207 of the Government Code, relating to seals of notaries public.

[Approved by Governor May 18, 1963 Filed with Secretary of State May 20, 1963.]

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

SECTION 1. Section 8207 of the Government Code is amended to read:

8207. A notary public shall provide and keep an official seal, which shall clearly show, when embossed, stamped, impressed or affixed to a document, the name of the notary and the State Seal, the words "Notary Public" and the name of the county in which he maintains his principal place of business. If he transfers his principal place of business to a different county than that shown on the seal, he shall have the seal altered to indicate such change. He shall authenticate with his official seal all official acts.

The seal of every notary public whose commission is issued on or after January 1, 1964, may be affixed by a seal press or stamp that will print or emboss a seal which legibly reproduces under photographic methods the Seal of the State of California the name of the notary, the words "Notary Public" and the name of the county in which he maintains his principal place of business. The seal may be circular not over two inches in diameter, or may be a rectangular form of not more than three-fourths of an inch in width by two inches and one-half in length, with a serrated or milled edged border, and shall contain the information required by this section.

CHAPTER 448

An act to amend Sections 8282 and 9002 of, and to add Section 9001.6 to, the Fish and Game Code, relating to crab, lobster, and prawn traps, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 18, 1963. Filed with Secretary of State May 20, 1963.]

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

SECTION 1. Section 8282 of the Fish and Game Code is amended to read:

8282. North of Point Conception each crab trap may have any number of openings of any size but shall have at least one rigid circular opening of not less than four inches inside diameter so constructed that the lowest portion of the opening is no lower than five inches from the top of the trap.

SEC. 2. Section 9001.6 is added to said code, to read:

9001.6. Prawn traps may be used to take prawns in waters not less than 50 fathoms in depth, from Point Conception south to the south boundary of Ventura County.

Such prawn traps shall be constructed so that no opening through which the prawns may enter shall exceed three inches in greatest dimension.

SEC. 3. Section 9002 of said code is amended to read:

9002. Lobster traps may be used to take spiny lobsters in Districts 18, 19, 20A, and those portions of District 20 lying on the southerly side of Santa Catalina Island between Southeast Rock and China Point.

During the season specified for the taking of spiny lobster, all traps used south of Point Conception to take lobster or crabs shall be deemed lobster traps subject to the provisions of this section.

Lobster traps shall be emptied not less than every 48 hours and no trap shall be abandoned in the ocean.

Wire traps shall be built of rectangular mesh with inside mesh measurement not less than two inches by four inches, the four-inch measurement to be parallel to the floor of the trap.

Traps built of lath or other material shall have along the full length of two sides openings to allow escape of lobsters. Such openings shall be clearly accessible to the lobsters and of a spacing of not less than two inches, and such spacing shall be located parallel to, and not more than two inches above, the floor of the trap.

Lobster traps may be used to take spiny lobsters, rock crabs, and sheephead only, and any other species taken in such traps shall be released. Such traps may be used only during the season prescribed for spiny lobsters. Spiny lobsters taken in the manner commonly known as skin diving or by use of self-contained underwater breathing apparatus may not be sold.

Lobster traps shall be marked with buoys, and such buoys may be distinctively marked or painted by the fisherman, and may include the use of the fisherman's lobster permit number. The marking or painting of a buoy under this section shall be reported to the department.

Any trap without such buoys is a public nuisance.

It is unlawful to willfully disturb, move, or injure a lobster trap belonging to another person.

SEC. 4. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The Santa Barbara area fishermen are not now authorized to use crab traps except during the lobster season which works an extreme hardship on these fishermen and deprives the State of a valuable source of food and therefore this act must be in effect immediately to be operative during the present season.

CHAPTER 449

An act to amend Section 987a of the Penal Code, relating to compensation of appointed counsel.

[Approved by Governor May 18, 1963. Filed with Secretary of State May 20, 1963.]

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

SECTION 1. Section 987a of the Penal Code is amended to read:

987a. In any case in which counsel is assigned in the superior court to defend a person, including a person who is a minor, who is charged therein with crime, or is assigned in a municipal or justice's court, or justice court as established pursuant to the Municipal and Justice Court Act of 1949, to represent such a person in such a court and who desires but who is unable to employ counsel, such counsel, in a county, or city and county, in which there is no public defender, or in a case in which the court finds that because of conflict of interest or other reasons the public defender has properly refused to represent the person accused, shall receive a reasonable sum for compensation and for necessary expenses, the amount of which shall be determined by the court, to be paid out of the general fund of the county.

The board of supervisors may by contract provide that any public defender duly appointed or elected may charge reasonable fees to the Department of Corrections for representing inmates of prisons under its control, and the Department of Corrections may upon approval by the court pay such fees into the county treasury to be placed in the general fund of the county.

CHAPTER 450

An act to amend Section 2030 of the Code of Civil Procedure, relating to discovery in civil cases.

[Approved by Governor May 18, 1963. Filed with Secretary of State May 20, 1963.]

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

SECTION 1. Section 2030 of the Code of Civil Procedure is amended to read:

2030. (a) Any party may file and serve upon any adverse party written interrogatories to be answered by the party served or, if the party served is a public or private corporation or a partnership or association, or body politic, by any officer or agent, who shall furnish such information as is available to the party. Interrogatories may be served upon any adverse party at any time after service of the summons or the appearance of such adverse party and without leave of court, except that, if service of interrogatories is made by the plaintiff within 10 days after such service of summons or appearance, leave of court granted with or without notice must first be obtained. The interrogatories shall be answered separately and fully in writing under oath. The answers shall be signed by the person making them; and the party upon whom the interrogatories have been served shall file and serve a copy of the answers on the party submitting the interrogatories within 15 days after the service of the interrogatories, unless the court, on motion and notice and for good cause shown, enlarges or shortens the time. Said answers shall respond to the written interrogatories; or, if any interrogatory be deemed objectionable, the objections thereto may be stated by the party addressed in lieu of response. If the party who has submitted the interrogatories deems that further response is required, he may move the court for an order requiring further response. Such motion must be upon notice given within fifteen (15) days from date of service of the answers or objections. Otherwise, the party submitting the interrogatories shall be deemed to have waived the right to compel answer pursuant to this section. Solely for their information, copies of all interrogatories and of all answers thereto shall be served upon all other parties to the action who have appeared; but the court on motion with or without notice may waive this requirement if the court determines that enforcement thereof would be unduly expensive, oppressive or burdensome.

(b) Interrogatories may relate to any matters which can be inquired into under subdivision (b) of Section 2016 of this code, and the answers may be used to the same extent as provided in subdivision (d) of Section 2016 of this code for the use of the deposition of a party. Interrogatories may be served after a deposition has been taken, and a deposition may be sought after interrogatories have been answered, but the court,

on motion of the deponent or the party interrogated, may make such protective order as justice may require. The number of interrogatories or of sets of interrogatories to be served is not limited except as above provided and except as justice requires to protect the party from annoyance, expense, embarrassment or oppression. The provisions of subdivision (b) of Section 2019 of this code are applicable for the protection of the party from whom answers to interrogatories are sought under this section.

(c) Where the answer to any interrogatory may be derived or ascertained from the business records of the party to whom such interrogatory is addressed or from an examination, audit or inspection of such business records, or from a compilation, abstract or summary based thereon, it shall be a sufficient answer to such interrogatory to specify the records from which the answer may be derived or ascertained and to afford to the party by whom the interrogatory was proposed reasonable opportunity to examine, audit or inspect such records and to make copies thereof or compilations, abstracts or summaries therefrom.

(d) Service of interrogatories under this section may be made upon any party or his attorney in the manner provided in Chapter 5, Title 14, Part 2 (commencing at Section 1010) of this code.

CHAPTER 451

An act to amend Section 28144 of the Government Code, relating to compensation for public service in counties.

[Approved by Governor May 18, 1963. Filed with Secretary of State May 20, 1963.]

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

SECTION 1. Section 28144 of the Government Code is amended to read:

28144. In a county of the 44th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, two thousand two hundred forty dollars ($2,240) a year.

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

(c) Each supervisor, two thousand six hundred forty dollars ($2,640) a year and twenty cents ($0.20) a mile for traveling expenses from his residence to the county seat, and also necessary expenses when on official business outside the county.

(d) Grand jurors, six dollars ($6) for each day's attendance while engaged in the performance of the duties required of them, and ten cents ($0.10) a mile for the first 500 miles actually traveled, and eight cents ($0.08) for each mile actually

traveled thereafter, during any one month, while acting as such jurors. The judge of the superior court shall make an order directing the auditor to draw his warrant on the treasurer in favor of the juror for the per diem and mileage, and the treasurer shall pay the warrant.

(e) Trial jurors in the superior court, six dollars ($6) for each day's attendance while engaged in the performance of the duties required of them, and ten cents ($0.10) a mile for the first 500 miles actually traveled, and eight cents ($0.08) for each mile actually traveled thereafter, during any one month, while acting as such jurors. The judge of the superior court shall make an order directing the auditor to draw his warrant on the treasurer in favor of the juror for the per diem and mileage, and the treasurer shall pay the warrant.

CHAPTER 452

An act to amend Section 17318 of the Public Utilities Code, relating to public utility districts.

[Approved by Governor May 18, 1963 Filed with Secretary of State May 20, 1963.]

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

SECTION 1. Section 17318 of the Public Utilities Code is amended to read:

17318. If the board, after a hearing pursuant to this chapter, approves by resolution the proposed annexation, and if the annexation is also approved as provided in either Section 17319 or Section 17320, the board shall make an order describing the boundaries of the territory proposed for annexation.

CHAPTER 453

An act to convey certain described lands from the State of California to Mr. Robert C. Newman, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 18, 1963. Filed with Secretary of State May 20, 1963.]

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

SECTION 1. The Director of Parks and Recreation shall convey to Robert C. Newman, a married man, as his sole and separate property as to an undivided one-half interest, and to Robert C. Newman, Trustee, trustee as to an undivided one-half interest, all of the right, title and interest of the State of California in and to the following described property:

That part of the portion of Lot 13 of Harris' Subdivision of a part of the Ranchos El Pismo and San Miguelito, in the City of Pismo Beach, County of San Luis Obispo, State of California, according to map filed for record April 30, 1886 in Book A at page 157 of Maps in the Office of the County Recorder of said County, described in the deed to the State of California, dated September 4, 1951 and recorded December 18, 1951 in Book 639 at page 17 of Official Records, lying Northeast of the following described line:

Beginning at the Northwesterly terminus of that certain course described in Parcel 5 in the deed to the State of California, dated September 4, 1951 and recorded December 21, 1951 in Book 639 at page 274 of Official Records, having a bearing of South 31° 20′ 30″ East; thence along said course and its Southeasterly prolongation South 31° 20′ 30″ East 396.45 feet; thence South 12° 54′ 40″ East 255.49 feet; thence South 5° 19′ 20″ East 167.31 feet to a point on a line between posts P. S. No. 26 and P. S. No. 25 of said subdivision.

SEC. 2. The Director of Parks and Recreation is authorized, for and on behalf of the State of California, to execute such instruments of conveyance as are necessary to convey all right, title and interest of the State of California in such property to Robert C. Newman.

SEC. 3. The Legislature finds that the parcel of property here conveyed was erroneously described by the State of California and included in a deed conveying certain lands to the State of California in connection with the establishment of Pismo Beach State Park. In view of these facts the property should rightfully be reconveyed to Robert C. Newman.

SEC. 4. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to eliminate the responsibility and financial burden upon the State of California with respect to the maintenance of this property, and in order to correct an injustice done to the previous owner of the property through an error by the State of California and to permit the previous owner to proceed at the earliest possible time with the proposed development of his property, it is essential that this act take effect immediately.

CHAPTER 454

An act to amend Sections 8210 and 8211 of the Fish and Game Code, relating to salmon.

[Approved by Governor May 18, 1963. Filed with Secretary of State May 20, 1963.]

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

SECTION 1. Section 8210 of the Fish and Game Code is amended to read:

8210. In Districts 6, 7, 10, 11, 15, 16, 17, 18 and 19 under the authority of a commercial fishing license, salmon may be taken only by hook and line and only between April 15th and September 30th. There is no bag limit. No such king salmon may be less than 26 inches in length and no such silver salmon may be less than 25 inches in length, measured from tip of the snout to the extreme tip of the tail.

The amendments made to this section in the 1961 and 1963 Regular Sessions of the Legislature shall remain in effect until October 1, 1965.

SEC. 2. Section 8211 of said code is amended to read:

8211. In Districts 6, 7, 10, 11, 15, 16, 17, 18, and 19, under the authority of a commercial fishing license, king salmon may be taken only by hook and line and only between April 15th and September 30th. Silver salmon may be taken only by hook and line and only between July 1st and September 30th. There is no bag limit. No such king salmon may be less than 26 inches in length and no such silver salmon may be less than 22 inches in length, measured from tip of the snout to the extreme tip of the tail.

The amendments made to this section in the 1961 and 1963 Regular Sessions of the Legislature shall remain in effect until October 1, 1965.

This section shall be in full force and effect only during such times that the States of Oregon and Washington have in effect laws or regulations prohibiting the taking of silver salmon by commercial trolling prior to July 1st of any year. At all other times, Sections 2361 and 8210 are effective insofar as commercial fishing is concerned.

Upon receipt of statements annually from the Secretaries of State of the States of Oregon and Washington that laws or regulations prohibiting the taking of salmon as described are in effect, the Secretary of State of California shall notify the department that this section is in effect for the year concerned. In order for this section to be effective such notification shall be made prior to April 15th of each year.

CHAPTER 455

An act to add Section 25102.1 to the Government Code, relating to county boards of supervisors.

[Approved by Governor May 18, 1963. Filed with Secretary of State May 20, 1963.]

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

SECTION 1. Section 25102.1 is added to the Government Code, to read:

25102.1. In lieu of entering resolutions in full in the minute book, the clerk, with the approval of the board, may keep a resolution book in which he shall enter all resolutions in full. In such case, references in the minute book to resolutions may be made by number and subject reference.

CHAPTER 456

An act to add Section 25305 to the Elections Code, relating to judicial offices.

[Approved by Governor May 18, 1963 Filed with Secretary of State May 20, 1963.]

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

SECTION 1. Section 25305 is added to the Elections Code, to read:

25305. If an incumbent of a judicial office, who has filed his written and signed declaration of intention to become a candidate for that office, dies on or before the last day prescribed for the filing of nomination papers, or for any reason fails to file his nomination papers by the last day prescribed for the filing of such papers, an additional five days shall be allowed for the filing of nomination papers for the office. Any person, if otherwise qualified, may file nomination papers for the office during the extended period, notwithstanding that he has not filed a written and signed declaration of intention to become a candidate for the office as provided in Sections 25301 and 25302.

CHAPTER 457

An act to add Sections 20962.5, 21405, 27229.1, 27266.1, 30321.5, 30586, 32226.5, 32475, 34503, 34808, 37658, 40104, 40659, 55187, 55309, 55917, 55930.5, 55950.5, 55959.5, 55967.5, 60122.5, 60156, and 71312 to; to add Chapter 2.5 (commencing with Section 27050) to Part 11 of Division 11, Chapter 6 (commencing with Section 28000) to Part 11 of Division 11, Chapter 2.4 (commencing with Section 37590) to Part 8 of Division 13, Chapter 2.5 (commencing with Section 48300) to Part 10 of Division 14, and Chapter 2.6 (commencing with Section 55905) to Part 5 of Division 16 of, and to amend Sections 30321, 30322, 60122, 60123, and 60124 of the Water Code; to amend Sections 71191 and 71192 of the Water Code, as added by Senate Bill No. 15; to amend Section 3 of, and to add Section 14.1 to, the Municipal Water District Act of 1911 (Chapter 671, Statutes of 1911); to add Sections 8.5, 20.5, 40.5, and 41.5 to the Water Conservation Act of 1927 (Chapter 91, Statutes of 1927); to add Sections 4.5 and 7.1 to Chapter 641 of the Statutes of 1931; to add Sections 8.5, 19.5, 47.5, 49.6, 50.5, and 57.5 to the Water Conservation Act of 1931 (Chapter 1020, Statutes of 1931); and to add Section 12171 to the Government Code; relating to information regarding the formation, change of boundaries, merger, consolidation, and dissolution of water districts.

[Approved by Governor May 18, 1963. Filed with Secretary of State May 20, 1963.]

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

SECTION 1. Section 20962.5 is added to the Water Code, to read:

20962.5. The county clerk of the principal county shall immediately file with the Secretary of State a certificate listing:

(a) The name of the district.

(b) The date of formation.

(c) The county or counties in which the district is located, and a description of the boundaries of the district, or reference to a map showing such boundaries, which map shall be attached to the certificate, or reference to the county recorder's office where a description of such boundaries has been recorded.

If the order declaring the district formed contains all of the information required to be in the certificate, the county clerk may file a copy of the order in lieu of the certificate.

SEC. 2. Section 21405 is added to the Water Code, to read:

21405 The board of a district in existence on the effective date of this section shall file a certificate with the Secretary of State on or before January 1, 1964, listing:

(a) The name of the district.

(b) The date of formation.

(c) The county or counties in which the district is located, and a description of the boundaries of the district, or reference to a map showing such boundaries, which map shall be attached to the certificate, or reference to the county recorder's office where a description of such boundaries has been recorded.

If the order declaring the district formed contains all of the information required to be in the certificate, the board may file a copy of the order in lieu of the certificate.

SEC. 3. Chapter 2.5 (commencing with Section 27050) is added to Part 11 of Division 11 of said code, to read:

CHAPTER 2.5. NOTIFICATION OF SECRETARY OF STATE OF EXCLUSION OR INCLUSION

27050. Whenever land is excluded from the district or land is included in the district pursuant to this part, the board shall file a certificate with the Secretary of State listing:

(a) The name of the district.

(b) The effective date of the exclusion or inclusion.

(c) The county or counties in which the district is located, and a description of the excluded or included land, or reference to a map showing the boundaries of such excluded or included land, which map shall be attached to the certificate, or reference to the county recorder's office where a description of such boundaries has been recorded.

If any order adopted by the board pursuant to this part with respect to the exclusion or inclusion of land contains all of the information required to be in the certificate, the board may file a copy of the order in lieu of the certificate.

SEC. 4. Section 27229.1 is added to said code, to read:

27229.1. The board of the consolidated district shall file a certificate with the Secretary of State listing:

(a) The name of the consolidated district and the names of the districts which have been consolidated.

(b) The effective date of consolidation.

(c) The county or counties in which the consolidated district is located, and a description of the boundaries of the consolidated district, or reference to a map showing such boundaries, which map shall be attached to the certificate, or reference to the county recorder's office where a description of such boundaries has been recorded.

If the consolidation order contains all of the information required to be in the certificate, the board of the consolidated district may file a copy of the consolidation order in lieu of the certificate.

SEC. 5. Section 27266.1 is added to said code, to read:

27266.1. The board of the annexing district shall file a certificate with the Secretary of State listing:

(a) The name of the annexing district and the annexed district.

(b) The effective date of annexation.

(c) The county or counties in which the districts are located, and a description of the annexing district as enlarged by the annexed land, or reference to a map showing the boundaries of the annexing district as enlarged by the annexed land, which map shall be attached to the certificate, or reference to the county recorder's office where a description of such boundaries has been recorded.

If the resolution of the combined boards adopted pursuant to Section 27266 contains all of the information required to be in the certificate, the board of the annexing district may file a copy of the resolution in lieu of the certificate.

SEC. 6. Chapter 6 (commencing with Section 28000) is added to Part 11 of Division 11 of said code, to read:

CHAPTER 6. NOTIFICATION OF SECRETARY OF STATE OF DISSOLUTION

28000. Whenever a district is dissolved pursuant to this part, the clerk of the court entering the final decree or judgment shall file a certificate with the Secretary of State listing:

(a) The name of the district.

(b) The effective date of dissolution.

(c) The county or counties in which the district was located.

In lieu of the certificate, the clerk of the court may file a copy of the final decree or judgment if it contains all of the information required to be in the certificate.

SEC. 7. Section 30321 of said code is amended to read:

30321. The county clerk shall immediately cause to be recorded in the office of the county recorder of the county in which the district is situated a certificate stating that the formation of the district was approved by the voters.

SEC. 8. Section 30321.5 is added to said code, to read:

30321.5. The county clerk shall immediately cause to be filed with the Secretary of State a certificate listing:

(a) The name of the district.

(b) The date of the order declaring the district formed.

(c) The county or counties in which the district is located, and a description of the boundaries of the district, or reference to a map showing such boundaries, which map shall be attached to the certificate, or reference to the county recorder's office where a description of such boundaries has been recorded.

If the order declaring the district formed contains all of the information required to be in the certificate, the county clerk

may cause a copy of the order to be filed in lieu of the certificate.

SEC. 9. Section 30322 of said code is amended to read:

30322. Upon the receipt of the certificate or a copy of the order declaring the district formed, the Secretary of State shall within 10 days issue his certificate reciting that the district, naming it, has been duly incorporated according to the laws of the State. A copy of this certificate shall be transmitted to and filed with the county clerk of the county in which the district is situated.

SEC. 10. Section 30586 is added to said code, to read:

30586. The board of a district in existence on the effective date of this section shall file a certificate with the Secretary of State on or before January 1, 1964, listing:

(a) The name of the district.

(b) The date of formation.

(c) The county or counties in which the district is located, and a description of the boundaries of the district, or reference to a map showing such boundaries, which map shall be attached to the certificate, or reference to the county recorder's office where a description of such boundaries has been recorded.

If the order declaring the district formed contains all of the information required to be in the certificate, the board may file a copy of the order in lieu of the certificate. If the certificate filed with the Secretary of State stating that the formation of the district was approved by the voters contains all of the information required by this section, no further certificate need be filed.

SEC. 11. Section 32226.5 is added to said code, to read:

32226.5. The board shall file a certificate with the Secretary of State listing:

(a) The name of the district.

(b) The effective date of the exclusion.

(c) The county or counties in which the district is located, and a description of the excluded land, or reference to a map showing the boundaries of the excluded land, which map shall be attached to the certificate, or reference to the county recorder's office where a description of such boundaries has been recorded.

If the exclusion ordinance contains all of the information required to be in the certificate, the board may file a copy of the ordinance in lieu of the certificate.

SEC. 12. Section 32475 is added to said code, to read:

32475. The provisions of Sections 32449 to 32452, inclusive, are applicable to the inclusion of land pursuant to this article.

SEC. 13. Section 34503 is added to said code, to read:

34503. The county clerk of the principal county shall immediately file with the Secretary of State a certificate listing:

(a) The name of the district.

(b) The date of formation.

(c) The county or counties in which the district is located, and a description of the boundaries of the district, or reference to a map showing such boundaries, which map shall be attached to the certificate, or reference to the county recorder's office where a description of such boundaries has been recorded.

If the order declaring the district formed contains all of the information required to be in the certificate, the county clerk may file a copy of the order in lieu of the certificate.

SEC. 14. Section 34808 is added to said code, to read:

34808. The board of a district in existence on the effective date of this section shall file a certificate with the Secretary of State on or before January 1, 1964, listing:

(a) The name of the district.

(b) The date of formation.

(c) The county or counties in which the district is located, and a description of the boundaries of the district, or reference to a map showing such boundaries, which map shall be attached to the certificate, or reference to the county recorder's office where a description of such boundaries has been recorded.

If the order declaring the district formed contains all of the information required to be in the certificate, the board may file a copy of the order in lieu of the certificate.

SEC. 15. Chapter 2.4 (commencing with Section 37590) is added to Part 8 of Division 13 of said code, to read:

CHAPTER 2.4. NOTIFICATION OF SECRETARY OF STATE OF EXCLUSION OR INCLUSION

37590. Whenever land is excluded from the district or land is included in the district pursuant to this part, the board shall file a certificate with the Secretary of State listing:

(a) The name of the district.

(b) The effective date of the exclusion or inclusion.

(c) The county or counties in which the district is located, and a description of the excluded or included land, or reference to a map showing the boundaries of such excluded or included land, which map shall be attached to the certificate, or reference to the county recorder's office where a description of such boundaries has been recorded.

If any order adopted by the board pursuant to this part with respect to the exclusion or inclusion of land contains all of the information required to be in the certificate, the board may file a copy of the order in lieu of the certificate.

SEC. 16. Section 37658 is added to said code, to read:

37658. The clerk of the court shall file a certificate with the Secretary of State listing:

(a) The name of the district.

(b) The effective date of dissolution.

(c) The county or counties in which the district was located.

In lieu of the certificate, the clerk of the court may file a copy of the final decree or judgment if it contains all of the information required to be in the certificate.

SEC. 17. Section 40104 is added to said code, to read:

40104. The department shall immediately file with the Secretary of State a certificate listing:

(a) The name of the district.

(b) The date of formation.

(c) The county or counties in which the district is located, and a description of the boundaries of the district, or reference to a map showing such boundaries, which map shall be attached to the certificate, or reference to the county recorder's office where a description of such boundaries has been recorded.

If the order declaring the district formed contains all of the information required to be in the certificate, the department may file a copy of the order in lieu of the certificate.

SEC. 18. Section 40659 is added to said code, to read:

40659. The board of a district in existence on the effective date of this section shall file a certificate with the Secretary of State on or before January 1, 1964, listing:

(a) The name of the district.

(b) The date of formation.

(c) The county or counties in which the district is located, and a description of the boundaries of the district, or reference to a map showing such boundaries, which map shall be attached to the certificate, or reference to the county recorder's office where a description of such boundaries has been recorded.

If the order declaring the district formed contains all of the information required to be in the certificate, the board may file a copy of the order in lieu of the certificate.

SEC. 19. Chapter 2.5 (commencing with Section 48300) is added to Part 10 of Division 14 of said code, to read:

CHAPTER 2.5. NOTIFICATION OF SECRETARY OF STATE OF EXCLUSION OR INCLUSION

48300. Whenever land is excluded from the district or land is included in the district pursuant to this part, the board shall file a certificate with the Secretary of State listing:

(a) The name of the district.

(b) The effective date of the exclusion or inclusion.

(c) The county or counties in which the district is located, and a description of the excluded or included land, or reference to a map showing the boundaries of such excluded or included land, which map shall be attached to the certificate, or reference to the county recorder's office where a description of such boundaries has been recorded.

If any order adopted by the board pursuant to this part with respect to the exclusion or inclusion of land contains all of the information required to be in the certificate, the board may file a copy of the order in lieu of the certificate.

SEC. 20. Section 55187 is added to said code, to read:

55187. The county clerk of the county shall immediately file with the Secretary of State a certificate listing:

(a) The name of the district.

(b) The date of formation.

(c) The county in which the district is located, and a description of the boundaries of the district, or reference to a map showing such boundaries, which map shall be attached to the certificate, or reference to the county recorder's office where a description of such boundaries has been recorded.

If the order declaring the district formed contains all of the information required to be in the certificate, the county clerk may file a copy of the order in lieu of the certificate.

SEC. 21. Section 55309 is added to said code, to read:

55309. The board of a district in existence on the effective date of this section shall file a certificate with the Secretary of State on or before January 1, 1964, listing:

(a) The name of the district.

(b) The date of formation.

(c) The county in which the district is located, and a description of the boundaries of the district, or reference to a map showing such boundaries, which map shall be attached to the certificate, or reference to the county recorder's office where a description of such boundaries has been recorded.

If the order declaring the district formed contains all of the information required to be in the certificate, the board may file a copy of the order in lieu of the certificate.

SEC. 22. Chapter 2.6 (commencing with Section 55905) is added to Part 5 of Division 16 of said code, to read:

CHAPTER 2.6. NOTIFICATION OF SECRETARY OF STATE OF INCLUSION

55905. Whenever territory is included within the district pursuant to this part, the clerk of the board of supervisors shall file a certificate with the Secretary of State listing:

(a) The name of the district.

(b) The effective date of the inclusion.

(c) The county in which the district is located, and a description of the included land, or reference to a map showing the boundaries of such included land, which map shall be attached to the certificate, or reference to the county recorder's office where a description of such boundaries has been recorded.

If any order, ordinance, or resolution adopted by the board pursuant to this part contains all of the information required to be in the certificate, the clerk may file a copy of the order, ordinance or resolution in lieu of the certificate.

SEC. 23. Section 55917 is added to said code, to read:

55917. The board shall file a certificate with the Secretary of State listing:

(a) The name of the district.

(b) The effective date of dissolution.

(c) The county in which the district was located.

If the resolution or ordinance ordering dissolution contains all of the information required to be in the certificate, the

board may file a copy of the resolution or ordinance in lieu of the certificate.

SEC. 24. Section 55930.5 is added to said code, to read:

55930.5. Upon dissolution of the district, the legislative body of the city shall cause a certificate to be filed with the Secretary of State listing:

(a) The name of the district.

(b) The effective date of dissolution.

(c) The county in which the district was located.

If the resolution declaring the district dissolved contains all of the information required in the certificate, the legislative body may cause a copy of the resolution to be filed in lieu of the certificate.

SEC. 25. Section 55950.5 is added to said code, to read:

55950.5. Upon dissolution of the district, the legislative body of the city shall cause a certificate to be filed with the Secretary of State listing:

(a) The name of the district.

(b) The effective date of dissolution.

(c) The county in which the district was located.

If the resolution declaring the district dissolved contains all of the information required in the certificate, the legislative body may cause a copy of the resolution to be filed in lieu of the certificate

SEC. 26. Section 55959.5 is added to said code, to read:

55959.5. The legislative body of the city shall cause a certificate to be filed with the Secretary of State listing:

(a) The name of the district.

(b) The effective date of the withdrawal of land from the district.

(c) The county in which the district is located, and a description of the land withdrawn, or reference to a map showing the boundaries of the land withdrawn, which map shall be attached to the certificate, or reference to the county recorder's office where a description of such boundaries has been recorded.

If the resolution of the legislative body of the city contains all of the information required to be in the certificate, a copy of the resolution may be filed in lieu of the certificate.

SEC. 27. Section 55967.5 is added to said code, to read:

55967.5. The board shall file a certificate with the Secretary of State listing:

(a) The name of the consolidated district and the names of the districts which have been consolidated.

(b) The effective date of consolidation.

(c) The county in which the consolidated district is located, and a description of the boundaries of the consolidated district, or reference to a map showing such boundaries, which map shall be attached to the certificate, or reference to the county recorder's office where a description of such boundaries has been recorded.

If the resolution declaring the districts consolidated contains all of the information required to be in the certificate, the board may file a copy of the resolution in lieu of the certificate.

SEC. 28 Section 60122 of said code is amended to read:

60122. Within seven (7) days after such election the vote shall be canvassed by said board of supervisors of the principal county. If a majority of the votes cast in such election shall be in favor of organizing such district, said board shall, by order, entered on its minutes, declare the territory included within the proposed boundaries duly organized, as a water replenishment district under the name theretofore designated, and the county clerk of the principal county shall immediately cause to be recorded in the offices of the county recorders of each affected county a certificate stating that such proposition was adopted.

SEC. 29. Section 60122.5 is added to said code, to read:

60122.5. The county clerk of the principal county shall immediately cause to be filed with the Secretary of State a certificate listing:

(a) The name of the district.

(b) The date of formation.

(c) The county or counties in which the district is located, and a description of the boundaries of the district, or reference to a map showing such boundaries, which map shall be attached to the certificate, or reference to the county recorder's office where a description of such boundaries has been recorded.

If the order declaring the district organized contains all of the information required to be in the certificate, the county clerk may file a copy of the order in lieu of the certificate.

SEC. 30. Section 60123 of said code is amended to read:

60123. Upon receipt of said certificate or a copy of the order declaring the district organized, the Secretary of State shall, within ten (10) days, issue his certificate reciting that the named water replenishment district has been duly incorporated according to the laws of the State of California. A copy of such certificate shall be transmitted to and filed with the county clerk of each affected county.

SEC. 31. Section 60124 of said code is amended to read:

60124. Upon filing said certificate of the county clerk of the principal county, or a copy of the order declaring the district organized, with the Secretary of State, the district shall be deemed incorporated as a water replenishment district, with all the rights, privileges and powers set forth in this act.

SEC. 32. Section 60156 is added to said code, to read:

60156. The board of a district formed prior to the effective date of this act shall file a certificate with the Secretary of State on or before January 1, 1964, listing:

(a) The name of the district.

(b) The date of formation.

(c) The county or counties in which the district is located, and a description of the boundaries of the district, or reference to a map showing such boundaries, which map shall be attached to the certificate, or reference to the county recorder's office where a description of such boundaries has been recorded.

If the order declaring the district organized contains all of the information required to be in the certificate, the board may file a copy of the order in lieu of the certificate. If the certificate filed with the Secretary of State stating that the formation of the district was approved by the voters contains all of the information required by this section, no further certificate need be filed.

SEC. 33. Section 3 of the Municipal Water District Act of 1911 (Chapter 671, Statutes of 1911) is amended to read:

Sec. 3. A petition, which may consist of any number of separate instruments, shall be filed with the county clerk of the county in which the proposed municipal water district is located, signed by voters residing within the boundaries of the proposed district equal in number to at least 10 per centum of the number of such voters voting for all candidates for the office of Governor of this State at the last general election prior to the filing of such petition; provided, that where one or more cities are included in such proposed district, such petition must be signed by at least 10 per centum of the voters of each such city so voting at such election Such petition shall set forth and describe the boundaries of such proposed district, and shall contain a prayer that such proposed district be incorporated under the provisions of this act.

Within 10 days of the date of the filing of such petition, the county clerk shall examine the same and ascertain whether or not said petition is signed by the requisite number of voters; and if requested by the county clerk, the board of supervisors shall authorize him to employ persons specially for that purpose, in addition to the persons regularly employed in his office, and shall provide for their compensation. When the county clerk has completed his examination of the petition, he shall attach to the same his certificate, properly dated, showing the result of such examiuation; and if from such examination he shall find that said petition is signed by the requisite number of voters residing within the boundaries of such proposed district, and within the boundaries of each city included therein, or is not so signed, he shall certify that the same is sufficient or insufficient, as the case may be.

If by the certificate of the county clerk the petition is found to be insufficient, he shall also certify to the number of voters required to make such petition sufficient, and it may be amended by filing a supplemental petition or petitions within 10 days from the date of such certificate. The county clerk shall, within 10 days after the filing of such supplemental petition or petitions, make like examination of the same and cer-

tify to the result of such examination as hereinbefore provided.

If his certificate shall show any such petition, or such petition as amended, to be insufficient, it shall be filed by him with the board of supervisors and kept as a public record, without prejudice, however, to the filing of a new petition to the same effect. But if, by the certificate of the county clerk, such petition, or such petition as amended, is shown to be sufficient, the county clerk shall present the same to the board of supervisors without delay.

If any supplemental petition be filed, all the signatures appended to the petition and to the supplemental petition or petitions shall be considered in determining the number of voters signing the petition.

After an election for the incorporation of such proposed district the sufficiency of such petition in any respect shall not be subject to judicial review or be otherwise questioned.

If the county in which such proposed district is located shall have a registrar of voters other than the county clerk, upon the filing of the petition herein mentioned with the county clerk, he shall forthwith deliver the same to such registrar of voters, who shall perform the duties herein required to be performed by the county clerk respecting the examination and certification of such petition; and said registrar of voters shall return said petition, immediately upon the completion of such examination, together with his certificate showing the result of such examination, to the county clerk, who shall thereupon present such petition, together with the certificate of the registrar of voters attached thereto to the board of supervisors.

When such petition is presented, the board of supervisors shall make an order dividing the district into five divisions, according to and based upon the population as estimated by the board of supervisors from the register of voters used at the last general election, in such manner as to equalize, as nearly as practicable, the population in the respective divisions. Such divisions shall be numbered first, second, third, fourth, and fifth, and one director, who shall be a resident thereof, shall be elected for each division by the voters thereof and shall take office as hereinafter provided.

When such order dividing the proposed district into five divisions is made, the board of supervisors shall call and provide for the holding of an election to be held in said proposed district for the purpose of determining whether or not the same shall be incorporated and for the purpose of electing the first board of directors if the district is incorporated. The date of the election shall be not less than 90 days nor more than 120 days from the date of adoption of the resolution or ordinance calling the election. The notice of such election shall describe the boundaries of the proposed district and of the divisions thereof as so established and shall state the proposed name of the proposed district (which name shall contain the words "_____ Municipal Water District"), and shall state that

the first directors will be elected at such election, who shall take office if the district is incorporated, and shall set forth the names of the candidates for the offices of directors from the respective divisions. Such notice of election shall be published once, not less than one week and not more than four weeks prior to such election in at least one, but not to exceed three newspapers printed and published in said county.

At such election the first directors shall be elected and the following measure shall be submitted: "Shall the proposition to organize _____ Municipal Water District under the Municipal Water District Act of 1911 as amended, be adopted?" The candidates shall declare their candidacy and shall be nominated, the election shall be held and conducted, the vote canvassed, the result declared and the certificates of election issued in accordance with the provisions of the Elections Code, so far as they may be applicable, except as in this act otherwise provided. No person shall be entitled to vote at any election under the provisions of this act unless such person possesses all the qualifications required of voters under the Elections Code.

Within seven days after such election the vote shall be canvassed by the board of supervisors. If a majority of the votes cast at such election shall be in favor of organizing such municipal water district, said board shall by an order entered on its minutes declare the territory included within the proposed boundaries duly organized as a municipal water district under the name theretofore designated, and the county clerk shall immediately cause to be recorded in the office of the county recorder of the county in which said district is situated a certificate stating that such a proposition was adopted.

The county clerk shall immediately cause to be filed with the Secretary of State a certificate listing:

(a) The name of the district.

(b) The date of formation.

(c) The county or counties in which the district is located, and a description of the boundaries of the district, or reference to a map showing such boundaries, which map shall be attached to the certificate, or reference to the county recorder's office where a description of such boundaries has been recorded.

If the order declaring the district organized contains all of the information required to be in the last-mentioned certificate, the clerk may file a copy of the order with the Secretary of State in lieu of the certificate.

If a majority of the votes cast at such election are in favor of organizing such district, the persons voted for as directors who received the highest number of votes within the respective divisions shall be duly elected as directors of the district.

Upon the receipt of such last-mentioned certificate or a copy of the order declaring the district organized, the Secretary of State shall, within 10 days, issue his certificate reciting that the municipal water district (naming it) has been duly in-

corporated according to the laws of the State of California. A copy of such certificate shall be transmitted to and filed with the county clerk of the county in which such municipal water district is situated. From and after the date of filing said certificate with the Secretary of State, the district named therein shall be deemed incorporated as a municipal water district, with all the rights, privileges and powers set forth in this act, and necessarily incident thereto.

In case less than a majority of the votes cast are in favor of said proposition the organization fails, but without prejudice to renewing proceedings at any time after six months from date of said election.

SEC. 34. Section 14.1 is added to the Municipal Water District Act of 1911 (Chapter 671, Statutes of 1911), to read:

Sec. 14.1. The board of directors of a district in existence on the effective date of this section shall file a certificate with the Secretary of State on or before January 1, 1964, listing:

(a) The name of the district.

(b) The date of formation.

(c) The county in which the district is located, and a description of the boundaries of the district, or reference to a map showing such boundaries, which map shall be attached to the certificate, or reference to the county recorder's office where a description of such boundaries has been recorded.

If the order declaring the district organized contains all of the information required to be in the certificate, the board may file a copy of the order in lieu of the certificate.

If the certificate filed with the Secretary of State stating that the proposition for formation of the district was adopted contains all of the information required by this section, no further certificate need be filed.

SEC. 35. Section 8.5 is added to the Water Conservation Act of 1927 (Chapter 91, Statutes of 1927), to read:

Sec. 8.5. The clerk of the board of supervisors shall immediately file with the Secretary of State a certificate listing:

(a) The name of the district.

(b) The date of formation.

(c) The county or counties in which the district is located, and a description of the boundaries of the district, or reference to a map showing such boundaries, which map shall be attached to the certificate, or reference to the county recorder's office where a description of such boundaries has been recorded.

If the order declaring the district organized contains all of the information required to be in the certificate, the clerk of the board may file a copy of the order in lieu of the certificate.

SEC. 36. Section 20.5 is added to the Water Conservation Act of 1927 (Chapter 91, Statutes of 1927), to read:

Sec. 20.5. The board of directors of a district in existence on the effective date of this section shall file a certificate with the Secretary of State on or before January 1, 1964, listing:

(a) The name of the district.

(b) The date of formation.

(c) The county or counties in which the district is located, and a description of the boundaries of the district, or reference to a map showing such boundaries, which map shall be attached to the certificate, or reference to the county recorder's office where a description of such boundaries has been recorded.

If the order declaring the district organized contains all of the information required to be in the certificate, the board may file a copy of the order in lieu of the certificate.

SEC. 37. Section 40.5 is added to the Water Conservation Act of 1927 (Chapter 91, Statutes of 1927), to read:

Sec. 40.5. In the event the board of supervisors shall exclude or include lands, the clerk of said board shall file a certificate with the Secretary of State listing:

(a) The name of the district.

(b) The effective date of the exclusion or inclusion.

(c) The county or counties in which the district is located, and a description of the excluded or included land, or reference to a map showing the boundaries of such excluded or included land, which map shall be attached to the certificate, or reference to the county recorder's office where a description of such boundaries has been recorded.

If the exclusion or inclusion order contains all of the information required to be in the certificate, the clerk of the board may file a copy of the order in lieu of the certificate.

SEC. 38. Section 41.5 is added to the Water Conservation Act of 1927 (Chapter 91, Statutes of 1927), to read:

Sec. 41 5. Upon dissolution of a district, the clerk of the board of supervisors shall file a certificate with the Secretary of State listing:

(a) The name of the district.

(b) The effective date of dissolution.

(c) The county or counties in which the district was located.

If the order declaring the district dissolved contains all of the information required to be in the certificate, the clerk of the board may file a copy of the order in lieu of the certificate.

SEC. 39. Section 4.5 is added to Chapter 641 of the Statutes of 1931, to read:

Sec 4.5. The clerk of the board of supervisors shall immediately file with the Secretary of State a certificate listing:

(a) The name of the district.

(b) The date of formation.

(c) The county in which the district is located, and a description of the boundaries of the district, or reference to a map showing such boundaries, which map shall be attached to the certificate, or reference to the county recorder's office where a description of such boundaries has been recorded.

If the order declaring the district organized contains all of the information required to be in the certificate, the clerk of the board may file a copy of the order in lieu of the certificate.

SEC. 40. Section 7.1 is added to Chapter 641 of the Statutes of 1931, to read:

Sec. 7.1. The board of trustees of a district in existence on the effective date of this section shall file a certificate with the Secretary of State on or before January 1, 1964, listing:

(a) The name of the district.

(b) The date of formation.

(c) The county in which the district is located, and a description of the boundaries of the district, or reference to a map showing such boundaries, which map shall be attached to the certificate, or reference to the county recorder's office where a description of such boundaries has been recorded.

If the order declaring the district organized contains all of the information required to be in the certificate, the board may file a copy of the order in lieu of the certificate.

SEC. 41. Section 8.5 is added to the Water Conservation Act of 1931 (Chapter 1020, Statutes of 1931), to read:

Sec. 8.5. The clerk of the board of supervisors shall immediately file with the Secretary of State a certificate listing:

(a) The name of the district.

(b) The date of formation.

(c) The county or counties in which the district is located, and a description of the boundaries of the district, or reference to a map showing such boundaries, which map shall be attached to the certificate, or reference to the county recorder's office where a description of such boundaries has been recorded.

If the order declaring the district organized contains all of the information required to be in the certificate, the clerk of the board may file a copy of the order in lieu of the certificate

SEC. 42. Section 19.5 is added to the Water Conservation Act of 1931 (Chapter 1020, Statutes of 1931), to read:

Sec. 19.5. The board of directors of a district in existence on the effective date of this section shall file a certificate with the Secretary of State on or before January 1, 1964, listing:

(a) The name of the district.

(b) The date of formation.

(c) The county or counties in which the district is located, and a description of the boundaries of the district, or reference to a map showing such boundaries, which map shall be attached to the certificate, or reference to the county recorder's office where a description of such boundaries has been recorded.

If the order declaring the district organized contains all of the information required to be in the certificate, the board may file a copy of the order in lieu of the certificate.

SEC. 43. Section 47.5 is added to the Water Conservation Act of 1931 (Chapter 1020, Statutes of 1931), to read:

Sec. 47.5. Upon a change of the boundaries of a district being made, the board of directors shall file a certificate with the Secretary of State listing:

(a) The name of the district.

(b) The effective date of the change of the boundaries.

(c) The county or counties in which the district is located, and a description of the included land, or reference to a map showing the boundaries of such included land, which map shall be attached to the certificate, or reference to the county recorder's office where a description of such boundaries has been recorded.

If the order changing boundaries contains all of the information required to be in the certificate, the board of directors may file a copy of the order in lieu of the certificate.

SEC. 44. Section 49.6 is added to the Water Conservation Act of 1931 (Chapter 1020, Statutes of 1931), to read:

Sec. 49 6. Upon the annexation of the petitioning district to the annexing district pursuant to Section 49 5, the board of directors of the annexing district shall file with the Secretary of State a certificate listing:

(a) The names of the annexing district and the petitioning district.

(b) The effective date of the annexation and of the dissolution of the petitioning district.

(c) The county or counties in which the two districts are located, and a description of the annexed land, or reference to a map showing the boundaries of such annexed land, which map shall be attached to the certificate, or reference to the county recorder's office where a description of such boundaries has been recorded.

If the order annexing the petitioning district contains all of the information required to be in the certificate, the board of directors may file a copy of the order in lieu of the certificate.

SEC. 45 Section 50 5 is added to the Water Conservation Act of 1931 (Chapter 1020, Statutes of 1931), to read:

Sec. 50 5. Upon dissolution of a district, the clerk of the board of supervisors shall file a certificate with the Secretary of State listing:

(a) The name of the district.

(b) The effective date of dissolution.

(c) The county or counties in which the district was located.

If the order declaring the district dissolved contains all of the information required to be in the certificate, the clerk of the board may file a copy of the order in lieu of the certificate.

SEC. 46 Section 57.5 is added to the Water Conservation Act of 1931 (Chapter 1020, Statutes of 1931), to read:

Sec. 57 5. Upon exclusion of land from the district, the board of directors shall file a certificate with the Secretary of State stating:

(a) The name of the district.

(b) The effective date of the exclusion.

(c) The county or counties in which the district is located, and a description of the land excluded, or reference to a map showing the boundaries of such excluded land, which map shall be attached to the certificate, or reference to the county re-

corder's office where a description of such boundaries has been recorded.

If the exclusion order contains all of the information required to be in the certificate, the board may file a copy of the order in lieu of the certificate.

SEC. 47. Section 12171 is added to the Government Code, to read:

12171. The Secretary of State shall compile and maintain a complete list of all districts for which certificates or copies of orders, ordinances or resolutions declaring districts formed or organized have been filed. This list shall contain the name of each district, the date of formation, and the county or counties in which the district is located.

The list of districts, and all certificates, maps, or copies of orders, ordinances or resolutions filed with the Secretary of State in connection with the formation, change of boundaries, merger, consolidation, or dissolution of districts, shall be open to inspection by the public.

SEC. 48. Section 71191 of the Water Code, as added by Senate Bill No. 15, is amended to read:

71191. The county clerk shall immediately cause to be recorded in the office of the county recorder of each affected county, a certificate stating that the proposition to form the district was adopted.

The county clerk shall immediately cause to be filed with the Secretary of State a certificate listing:

(a) The name of the district.

(b) The date of formation.

(c) The county or counties in which the district is located, and a description of the boundaries of the district, or reference to a map showing such boundaries, which map shall be attached to the certificate, or reference to the county recorder's office where a description of such boundaries has been recorded.

If the order declaring the district organized contains all of the information required to be in the last-mentioned certificate, the clerk may file a copy of the order with the Secretary of State in lieu of the certificate.

SEC. 49. Section 71192 of said code, as added by Senate Bill No. 15, is amended to read:

71192. Upon the receipt of the county clerk's certificate, or a copy of the order declaring the district organized, the Secretary of State shall, within 10 days, issue his certificate reciting that the municipal water district, naming it, has been duly incorporated according to the laws of the State.

SEC. 50. Section 71312 is added to said code, to read:

71312. The board of a district in existence on the effective date of this section shall file a certificate with the Secretary of State on or before January 1, 1964, listing:

(a) The name of the district.

(b) The date of formation.

(c) The county in which the district is located, and a description of the boundaries of the district, or reference to a map showing such boundaries, which map shall be attached to the certificate, or reference to the county recorder's office where a description of such boundaries has been recorded.

If the order declaring the district organized contains all of the information required to be in the certificate, the board may file a copy of the order in lieu of the certificate.

If the certificate filed with the Secretary of State stating that the proposition for formation of the district was adopted contains all of the information required by this section, no further certificate need be filed.

SEC. 51. Sections 48, 49 and 50 of this act become operative only if Senate Bill No. 15 is enacted by the Legislature at its 1963 Regular Session, and in such case at the same time as said bill takes effect, at which time Sections 3 and 14.1 of the Municipal Water District Act of 1911 (Chapter 671, Statutes of 1911) as amended or added by Sections 33 or 34 of this act are repealed.

CHAPTER 458

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

[Approved by Governor May 18, 1963 Filed with Secretary of State May 20, 1963.]

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

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

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

This requirement shall not apply to a judge of a municipal court for the rest of his unexpired term and for one successive term of office for which he is subsequently re-elected when:

(a) He has succeeded to office under the provisions of Section 71083 and his residence is not in the annexed district.

(b) Part of a municipal court district is annexed to another municipal court district and the judge of the original district lives in the part that is annexed.

CHAPTER 459

An act to amend Section 26838 of the Government Code, relating to court filing fees.

[Approved by Governor May 18, 1963. Filed with Secretary of State May 20, 1963.]

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

SECTION 1. Section 26838 of the Government Code is amended to read:

26838. The fee for a certificate required by courts of appeal or the Supreme Court on filing a notice of motion prior to the filing of the record on appeal in the reviewing court is two dollars ($2).

CHAPTER 460

An act to amend Section 68076 of the Government Code, relating to seals of the superior court.

[Approved by Governor May 18, 1963 Filed with Secretary of State May 20, 1963.]

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

SECTION 1. Section 68076 of the Government Code is amended to read:

68076. The seals of the superior courts shall:

(a) Be circular.

(b) Be not less than one and one-fourth inches in diameter.

(c) Have in the center any word, words, or design adopted by the judges of the superior court.

(d) Have inscribed around the central words or design "Superior Court _____ , California," inserting the name of the county.

The seal of any such court, which has been adopted before April 1, 1880 shall be the seal of such court until another is adopted.

CHAPTER 461

An act to amend Sections 400, 1071, 1087, and 1104 of the Code of Civil Procedure, Section 5951 of the Labor Code, and Section 1756 of the Public Utilities Code, relating to extraordinary writs.

[Approved by Governor May 18, 1963. Filed with Secretary of State May 20, 1963.]

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

SECTION 1. Section 400 of the Code of Civil Procedure is amended to read:

400. When an order is made by the superior court granting or denying a motion to change the place of trial, the party aggrieved by such order may, within 10 days after service of a written notice of the order, or within such additional time not exceeding 20 days as the court may within the original 10 days allow, petition the district court of appeal for the district in which the court granting or denying the motion is situated for a writ of mandate requiring trial of the case in the proper court. The petitioner shall file a copy of such petition in the trial court immediately after the petition is filed in the district court of appeal. The district court of appeal may stay all proceedings in the case, pending judgment on the petition becoming final. The clerk of the district court of appeal shall file with the clerk of the trial court, a copy of any final order or final judgment immediately after such order or judgment becomes final.

SEC. 2 Section 1071 of said code is amended to read:

1071. The writ of review must command the party to whom it is directed to certify fully to the court issuing the writ at a time and place then or thereafter specified by court order a transcript of the record and proceedings (describing or referring to them with convenient certainty), that the same may be reviewed by the court; and requiring the party, in the meantime, to desist from further proceedings in the matter to be reviewed.

SEC. 3. Section 1087 of the said code is amended to read:

1087. The writ may be either alternative or peremptory. The alternative writ must command the party to whom it is directed immediately after the receipt of the writ, or at some other specified time, to do the act required to be performed, or to show cause before the court at a time and place then or thereafter specified by court order why he has not done so. The peremptory writ must be in a similar form, except that the words requiring the party to show cause why he has not done as commanded must be omitted.

SEC. 4. Section 1104 of the said code is amended to read:

1104. The writ must be either alternative or peremptory. The alternative writ must command the party to whom it is directed to desist or refrain from further proceedings in the

action or matter specified therein, until the further order of the court from which it is issued, and to show cause before such court at a time and place then or thereafter specified by court order why such party should not be absolutely restrained from any further proceedings in such action or matter. The peremptory writ must be in a similar form, except that the words requiring the party to show cause why he should not be absolutely restrained must be omitted.

SEC. 5. Section 5951 of the Labor Code is amended to read:

5951. The writ of review shall be made returnable at a time and place then or thereafter specified by court order and shall direct the commission to certify its record in the case to the court within the time therein specified. No new or additional evidence shall be introduced in such court, but the cause shall be heard on the record of the commission, as certified to by it.

SEC. 6. Section 1756 of the Public Utilities Code is amended to read:

1756. Within 30 days after the application for a rehearing is denied, or, if the application is granted, then within 30 days after the decision on rehearing, the applicant may apply to the Supreme Court of this State for a writ of certiorari or review for the purpose of having the lawfulness of the original order or decision or of the order or decision on rehearing inquired into and determined. The writ shall be made returnable at a time and place then or thereafter specified by court order and shall direct the commission to certify its record in the case to the court within the time therein specified.

CHAPTER 462

An act to amend Sections 17103 and 17201 of, and to repeal Section 17104 of, the Education Code, relating to school cafeteria personnel salaries.

[Approved by Governor May 18, 1963. Filed with Secretary of State May 20, 1963.]

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

SECTION 1. Section 17103 of the Education Code is amended to read:

17103. The governing board of a school district shall employ persons for food service positions as a part of the classified service. Wages, salaries and benefits including employer retirement contributions for all food service personnel shall be a charge against and paid from the general fund of the school district. Costs of wages, salaries and benefits including employer retirement contributions and other purposes classed as food service, shall be excluded from the definition of "current expense of education" as defined in Section 17503 of

this code. The governing board may, at any time, order funds to be transferred from the "cafeteria fund" or the cafeteria accounts in such amounts as it prescribes but not to exceed food service employee salary, wage and benefit costs then incurred or anticipated.

Any amount transferred in excess of the amount actually required shall be refunded to the cafeteria fund or the cafeteria account not later than the close of the current fiscal year.

The Superintendent of Public Instruction is authorized to adopt rules and regulations governing the method of accounting for said transfers.

SEC. 2. Section 17104 of said code is repealed.

SEC. 3. Section 17201 of said code is amended to read:

17201. For the purpose of achieving clarity in the budgeting and reporting of school district expenditures by funds, whenever certain expenses are authorized or required to be paid from the general fund of the school district and the governing board so authorizes, the amount estimated or actually required to meet these expenditures shall be transferred or paid from the general fund to the child care center fund.

Any amount transferred or paid in excess of the amount actually required shall be refunded to the general fund.

The Superintendent of Public Instruction is hereby authorized to adopt rules and regulations governing the method of accounting for said payments and transfers.

CHAPTER 463

An act to add Sections 5074, 7151, 7153.1, 7153.2, 7153.3 and 7153.4 to, and amend Sections 7150, 7152, 7153, 7154 and 7170 of, and repeal Sections 7151, 7154.5 and 7169 of, the Financial Code, and to add Section 783 to the Civil Code, relating to savings and loan associations, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 18, 1963. Filed with Secretary of State May 20, 1963.]

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

SECTION 1. Section 5074 is added to the Financial Code, to read:

5074. An amortized loan is a loan which provides for payments to be made of interest and on the principal in monthly installments. The installments as to the combined principal and interest shall be at least of a sufficient amount so that the smallest installment provided in the note evidencing the loan, other than the last installment, if continued at such monthly intervals would result in paying the entire principal within the maximum legal term for the particular loan. The first installment which includes principal on each amortized loan

must fall due within the time limits specified in Section 7151 of this code.

SEC. 2. Section 7150 of said code is amended to read:

7150. An association may make amortized loans, as defined in Section 5074, upon the security of improved real property for the following terms, from the due date of the first principal installment.

a. Loans secured by real property on which the principal improvement consists of a single family dwelling for a term of not more than 30 years.

b. Loans secured by other residential property, for a term of not more than 25 years.

c. Loans secured by other improved real property, for a term of not more than 20 years.

d. Loans made pursuant to Article 3 of this chapter, for the maximum term, applicable to such loan pursuant to the provisions of the National Housing Act or any act of Congress supplementary or amendatory thereof or of the Servicemen's Readjustment Act of 1944 or any act of Congress supplementary or amendatory thereof or of the Veterans' Readjustment Act of 1952 or any act of Congress supplementary or amendatory thereof, which maximum term shall not exceed 25 years in the case of a loan guaranteed by the Administrator of Veterans' Affairs unless at least 30 percent of such loan is so guaranteed.

SEC. 3. Section 7151 of said code is repealed.

SEC. 4. Section 7151 is added to said code, to read:

7151. The first monthly installment which includes principal on an amortized loan must fall due within the following periods after the date of such loan:

a. Eighteen months in the case of loans made to finance the construction of residential real property.

b. Six months in the case of a loan to a borrower who acquired the property securing such loan as full or partial consideration for the sale of a one- to four-family residential property.

c. Three months in the cases of all other loans.

SEC. 5. Section 7152 of said code is amended to read:

7152. An association may make amortized loans upon the security of improved real property in an amount not in excess of 70 percent of the appraised value of such real property.

SEC. 6. Section 7153 of said code is amended to read:

7153. An association may make amortized loans upon the security of residential real property, the principal improvements on which consist of a dwelling or dwellings, in an amount not in excess of 80 percent of the appraised value of such real property if the appraised value does not exceed forty thousand dollars ($40,000), or not in excess of 80 percent of the first forty thousand dollars ($40,000) of such appraised value if it exceeds forty thousand dollars ($40,000) plus 70 percent of the remainder of such appraised value.

SEC. 7. Section 7153.1 is added to said code, to read:

7153.1. An association may make amortized loans upon the security of improved real property in an amount not in excess of 75 percent of the appraised value of such real property if the appraised value does not exceed forty thousand dollars ($40,000) or not in excess of 75 percent of the first forty thousand dollars ($40,000) of such appraised value if it exceeds forty thousand dollars ($40,000), plus 70 percent of the remainder of such appraised value if either of the following conditions are met:

(a) The real property is a condominium, as defined in Civil Code Section 783, designed for one-family occupancy, and binding contracts have been entered into for the bona fide sale of not less than the majority of the residential units in the condominium project.

(b) The real property is a community apartment within a community apartment project in which an undivided interest in land is coupled with the exclusive right of occupancy by one family of any apartment located thereon and binding contracts have been entered into for the bona fide sale of not less than the majority of the residential units in the community apartment project.

SEC. 8. Section 7153.2 is added to said code, to read:

7153.2. An association may make amortized loans upon the security of real property upon which there is located a structure designed for residential use of one family and upon which there is not located any other structure designed or used in whole or in part for use as a dwelling or any structure designed or used in whole or in part for any business use or for any use not ancillary to the residential use aforesaid in an amount not in excess of (a) twenty-six thousand five hundred dollars ($26,500), or (b) ninety percent (90%) of the appraised value of the real property up to and including twenty-five thousand dollars ($25,000) plus eighty percent (80%) of so much of such appraised value as exceeds twenty-five thousand dollars ($25,000), or (c) ninety percent (90%) of the purchase price up to and including twenty-five thousand dollars ($25,000) plus eighty percent (80%) of so much of the purchase price as exceeds twenty-five thousand dollars ($25,000), whichever is lowest. The borrower shall make a certification in writing that he intends to occupy the property as his home and that no lien or charge upon the property other than the lien of the association has been given or executed by him. The loan shall require repayment in monthly payments. Each such payment shall include the monthly proration of annual taxes and hazard insurance premiums in advance until the unpaid balance of such loan shall have been reduced to eighty percent (80%) of the original appraised value of such property.

No association shall have such investments under this section aggregating at any one time more than 5 percent of its

total assets. Whenever the unpaid balance of any such loan made under this section shall have been reduced to 80 percent of the original appraised value of such property, such loan may be removed from the above imposed limitation of assets.

SEC. 9. Section 7153.3 is added to said code, to read:

7153.3. An association may make amortized loans upon the security of real property in an amount not in excess of 75 percent of the appraised value of such real property if such real property is improved by housing accommodations, individual or multiple, designed for the purpose of providing accommodations for occupancy by aging persons over 55 years of age, or of providing rest homes or nursing homes, so constructed or altered as to be suitable primarily for the occupancy of aging persons over 55 years of age and limited principally to the occupancy of such persons. The borrower shall make a certification in writing that the security property has been or, as a result of such loan, will be constructed or altered to provide housing accommodations suitable primarily for aging persons over 55 years of age or to provide a rest home or a nursing home for such persons and certifying that, as long as such loan is outstanding, occupancy of such property will be limited principally to occupancy by aging persons over 55 years of age.

No association shall have such investments under this section aggregating at any one time more than 5 percent of its total assets. Whenever the unpaid balance of such loans made under this section shall have been reduced to 70 percent of the original appraised value of such property, such loan may be removed from the above-imposed limitation of assets.

SEC. 10. Section 7153.4 is added to said code, to read:

7153.4. An association may make amortized loans upon the security of real property, the principal improvements on which consist of one or more structures designed primarily for residential use of 16 or more families, in an amount not in excess of 75 percent of the appraised value of such real property.

SEC. 11. Section 7154 of said code is amended to read:

7154. An association may make unamortized loans upon the security of improved real property on the following terms:

a. In an amount not exceeding 60 percent of the appraised value of such property if the terms of such loans do not exceed three years, after which the loan may not be extended and may be refinanced only with an amortized loan in accordance with the provisions of Section 7151(c).

b. In an amount not exceeding 70 percent of the appraised value of such property if the terms of such loans do not exceed two years, after which the loan may not be extended and may be refinanced only with an amortized loan in accordance with the provisions of Section 7151(c).

SEC. 12. Section 7154.5 of said code is repealed.

SEC. 13. Section 7169 of said code is repealed.

SEC. 14. Section 7170 of said code is amended to read:

7170. An association shall not make any loan other than an amortized loan unless at least 90 percent of the unpaid principal of all its loans then in force are amortized loans.

SEC. 15. Section 783 is added to the Civil Code, to read:

783. A condominium is an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential, industrial or commercial building on such real property, such as an apartment, office or store. A condominium may include in addition a separate interest in other portions of such real property.

Such estate may, with respect to the duration of its enjoyment, be either (1) an estate of inheritance or perpetual estate, (2) an estate for life, or (3) an estate for years.

SEC. 16. This is an emergency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The measure will enable state-chartered savings and loan associations to make loans with lower down payments and longer terms, particularly to the elderly This will stimulate the State's economy and at the same time enable more people in lower income brackets to become homeowners. In view of the fact that federal savings and loan associations can now make 90 percent and 30-year loans as provided in this measure, this proposal will augment, substantially, the favorable real estate credit facilities that now serve California citizens.

CHAPTER 464

An act to amend and renumber the heading of Chapter 5 (commencing with Section 12878) of Part 6 of Division 6 of the Water Code that was added by Chapter 1800 of the Statutes of 1957, and to repeal the Division 19 (commencing with Section 65000) of the Water Code that was added by Chapter 2019 of the Statutes of 1959, and to add Part 7 (commencing with Section 12950 to Division 6 of the Water Code, and to amend and renumber the heading of Chapter 6 (commencing with Section 12880) of Part 6 of Division 6 of the Water Code as proposed by Assembly Bill No. 1054, relating to water development.

[Approved by Governor May 18, 1963 Filed with Secretary of State May 20, 1963.]

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

SECTION 1. The heading of the Chapter 5 (commencing with Section 12878) of Part 6 of Division 6 of the Water Code

that was added by Chapter 1800 of the Statutes of 1957 is amended and renumbered to read:

CHAPTER 4.5. MAINTENANCE AREAS

SEC. 2. The Division 19 (commencing with Section 65000) of said code that was added by Chapter 2019 of the Statutes of 1959 is repealed.

SEC. 3. Part 7 (commencing with Section 12950) is added to Division 6 of said code, to read:

PART 7. PROJECT COSTS FOR LOCAL GOVERNMENTAL SERVICES

12950. It is declared to be the responsibility of the State of California to assist local governments in providing certain essential services and facilities where water resource construction projects financed, in whole or in part, by the State or by the State jointly with the federal government create an undue burden on a local area's ability to provide these services and facilities. State responsibility for providing financial assistance under such circumstances includes the following: police and fire protection, public health and hospitals, sanitation, emergency and indigent relief, and such other activities for which there is a demonstrated urgent need and which are approved by the State Department of Finance and the State Department of Water Resources.

12951. State expenditures and loans for aid to local governments provided in accordance with the provisions of this part are a part of the project cost of the project giving rise to the creation of the impact area.

12952. The Governor may designate, from time to time, and may revoke previous designations of, the area within a 20-mile airline radius of the site of principal construction of any water construction project undertaken by the State as an impact area when:

(a) He is requested to do so by the county board of supervisors or the city council of any county or city within the impact area; and

(b) He finds that:

(1) Such construction will cause a sudden influx of people into the impact area.

(2) The construction will require more than 12 months to complete.

(3) The construction will result in serious fiscal problems to the affected local governments.

(4) Peak construction employment on the project within the impact area is estimated by the Department of Water Resources to total more than 500 employees.

(5) The increase in population in the impact area, found by multiplying such peak construction employment as estimated by the Department of Water Resources by 4.5, equals

at least 20 percent of the estimated population in the area on July 1st of the year prior to the date that construction was started. At any time that the increase in population falls below 20 percent of the estimated population of the area, the designation shall terminate as of the following June 30th. All population data are to be determined by the Department of Finance.

12953. For the purposes of this part the Department of Water Resources shall designate the site of principal construction of every water construction project undertaken by the State, and the date construction was started.

12954. As used in this part, "peak employment" means the largest number of persons employed in any one year at a site of principal construction and at such other sites as may be related directly thereto within the impact area by the Department of Water Resources, contractors and subcontractors in connection with the construction project.

12955. Requests by any city, county, or district to have an area designated an impact area may be made at any time after the authorization of a water resources project by the Legislature. Except with respect to assistance during the first year of construction or during the first year after enactment of a law providing state aid, requests for financial assistance under provisions of this part shall be made at least six months prior to the beginning of the fiscal year for which the assistance is requested.

12956. When an impact area has been designated by the Governor the State will pay:

(a) The increased operating expenses necessitated by population increase within the impact area for maintenance of police and fire protection, public hospitals, public health and sanitation and such other activities as may be approved by the Department of Finance and the Department of Water Resources at the same level of service as prevailed within or for the impact area prior to the start of the construction. A subsequent increase in the level of a specific service may be approved by the State Department of Finance. Level of service shall be measured by the ratio of personnel or facilities serving the impact area to the total population within the same area. The portion of the construction-generated population expected to reside within the impact area shall be estimated by the Department of Water Resources for each fiscal year in which the State provides financial assistance under this part to any governmental agency.

(b) Seventy-five percent of the increased cost to the county of emergency and indigent relief provided by the county under the provisions of Chapter 2 (commencing at Section 2500) of Division 4 of the Welfare and Institutions Code at standards that existed prior to the start of construction. An increase in such standards may be approved by the State Department of Finance. The State will also pay all necessary increased costs resulting from personnel, office, and automobile expenses cre-

ated by an increase in the emergency and indigent caseload, as determined by the Department of Finance.

12957. Funds for capital outlay expenditures for police and fire protection, essential health services, and water and sewerage systems required to serve the expanded population in the impact area may be provided to any city, county, or district rendering, in whole or in part, any of the services described in Section 12950, upon their application under either or both of the following options to be exercised by the local governing bodies:

(a) A loan by the State to the local agency for all or any part of such expenditures; such loans to be entirely repaid within 30 years at a rate of interest one-quarter of 1 percent higher than the interest cost to the State for long-term loans at the time of the loan.

(b) Direct state expenditures to meet all or any part of such needs. Direct state expenditures shall be for temporary facilities which shall be dismantled upon completion of the water project construction

12958. Upon the designation of an impact area by the Governor, the State Department of Finance shall recommend the appropriation of funds and the division of state assistance among the local governments in the impact area. For this purpose the State Department of Finance shall be given access to such records and documents as may be necessary to accomplish this objective by the affected local governments.

12959. Notwithstanding any other provision of this part, except as to projects constructed by the Department of Water Resources, the maximum amount of money paid under this part shall not exceed that proportion of the total cost of the needed assistance as the amount of the State's financial participation in a project bears to the total cost of the project.

12960. When certified by the Department of Water Resources, claims of local agencies for state financial assistance shall be presented to the State Controller for payment out of funds made available therefor. The State Controller shall make such audit as he deems necessary, before or after disbursement, for the purpose of determining that any money received by any city, county, or district as state financial assistance hereunder has been expended for the purposes and under the conditions authorized under this division.

12961. This part shall be known, and may be cited, as the Byrne Act.

SEC. 4. The heading of Chapter 6 (commencing with Section 12880) of Part 6 of Division 6 of the Water Code as proposed by Assembly Bill No. 1054 is amended and renumbered to read:

CHAPTER 5. STATE FINANCIAL ASSISTANCE FOR LOCAL PROJECTS

SEC. 5. Section 4 of this act shall become operative only if Assembly Bill No. 1054 is enacted by the Legislature at its 1963 Regular Session, and in such case at the same time as Assembly Bill No. 1054 takes effect.

CHAPTER 465

An act to amend Sections 944 and 1342 of the Education Code, relating to school district elections.

[Approved by Governor May 18, 1963. Filed with Secretary of State May 20, 1963.]

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

SECTION 1. Section 944 of the Education Code is amended to read:

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

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

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

(c) The location of the polls.

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

(e) The day and hour when the election returns will be canvassed by the county superintendent of schools which shall be on the seventh day after the election.

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

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

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

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

SEC. 2. Section 1342 of said code, as proposed to be added by Senate Bill No. 718 of the 1963 Regular Session, is amended to read:

1342. The formal notice of election for any school district election shall be prepared by the county superintendent of schools and shall contain the following:

(a) The date of the election.

(b) The purpose of the election.

(c) The designation of election precincts.

(d) The location of the polls.

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

(f) The day and hour when the election returns will be canvassed by the county superintendent of schools which shall be on the seventh day after the election.

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

(h) Instructions for obtaining absent voter ballots.

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

SEC. 3. Section 2 of this act shall become operative only if Division 4 of the Education Code, as proposed by Senate Bill No. 718 is enacted by the Legislature at its 1963 Regular Session, and in such case at the same time as said Senate Bill No. 718 takes effect; at which time Section 944 of the Education Code as amended by Section 1 of this act is repealed.

CHAPTER 466

An act to amend Section 29610 of the Government Code, relating to the convention expenses of county officers.

[A.B. 611 having remained with the Governor 10 days (Sundays excepted), and the Legislature being in session, it became law without his signature. (See Section 9516, Government Code.) Filed with Secretary of State May 20, 1963.]

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

SECTION 1. Section 29610 of the Government Code is amended to read:

29610. The actual and necessary expenses of the county auditor, clerk, registrar of voters, district attorney, assessor, sheriff, public administrator, coroner, recorder, tax collector, probation officer, surveyor, jury commissioner, treasurer, and, with prior approval of the board of supervisors, necessary deputies for each such officer, one marshal of a municipal court chosen by the marshals of the municipal courts, one clerk of a municipal court chosen by the clerks of the municipal courts, one judge of a justice court chosen by the judges of the justice courts, and one constable chosen by the constables, and such other officers and employees as may be authorized by the board of supervisors, incurred while traveling to and from and while attending the annual convention of his respective association, are county charges.

CHAPTER 467

An act to amend Section 1775 of the Labor Code, relating to wages.

[Approved by Governor May 18, 1963. Filed with Secretary of State May 20, 1963.]

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

SECTION 1. Section 1775 of the Labor Code is amended to read as follows:

1775. The contractor shall, as a penalty to the State or political subdivision on whose behalf the contract is made or awarded, forfeit twenty-five dollars ($25) for each calendar

day, or portion thereof, for each workman paid less than the stipulated prevailing rates for such work or craft in which such workman is employed for any public work done under the contract by him or by any subcontractor under him. The difference between such stipulated prevailing wage rates and the amount paid to each workman for each calendar day or portion thereof for which each workman was paid less than the stipulated prevailing wage rate shall be paid to each workman by the contractor, and the body awarding the contract shall cause to be inserted in the contract a stipulation that the provisions of this section will be complied with.

To the extent that there is insufficient money due a contractor to cover all penalties forfeited and amounts due in accordance with this section, or in accordance with Section 1813 of this chapter, and in all cases where the contract does not provide for a money payment by the awarding body to the contractor, the awarding body shall notify, provided that in the case of a workman claiming the difference between the prevailing wage rate and the amount paid him the awarding body has first been given the notice mentioned in Section 1190.1 of the Code of Civil Procedure, the Division of Labor Law Enforcement of such violation and the Division of Labor Law Enforcement, if necessary with the assistance of the awarding body, may maintain an action in any court of competent jurisdiction to recover the penalties and the amounts due provided for herein. Such action shall be commenced not later than 90 days after the filing of a valid notice of completion in the office of the county recorder in each county in which the public work or some part thereof was performed, or not later than 90 days after acceptance of such public work, whichever last occurs. No issue other than that of the liability of the contractor for the penalties allegedly forfeited and amounts due shall be determined in such action, and the burden shall be upon the contractor to establish that the penalties and amounts demanded in such action are not due.

Out of any money withheld or recovered or both there shall first be paid the amount due each workman and if insufficient funds are withheld or recovered or both to pay each workman in full the money shall be prorated among all such workmen.

CHAPTER 468

An act to add Sections 12722, 12723 and 12724 to the Water Code, relating to the project for flood protection on Alameda Creek in Alameda County.

[Approved by Governor May 18, 1963. Filed with Secretary of State May 20, 1963.]

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

SECTION 1. Section 12722 is added to the Water Code, to read:

12722. The project for flood protection on Alameda Creek in Alameda County is hereby adopted and authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 128, 87th Congress, 2d Session, as authorized by act of Congress approved October 23, 1962, Public Law 87-874, 87th Congress, 2d Session, 76 Stat. 1173, at an estimated cost to the State of two million four hundred thousand dollars ($2,400,000).

SEC. 2. Section 12723 is added to said code, to read:

12723. The Alameda County Flood Control and Water Conservation District shall give assurances satisfactory to the Secretary of the Army that the local co-operation, required by the act of Congress approved October 23, 1962 (Public Law 87-874, 76 Stat. 1173), will be furnished by the district in connection with the plan of flood control adopted and authorized by Section 12722

SEC. 3. Section 12724 is added to said code, to read:

12724. The Alameda County Flood Control and Water Conservation District, in conjunction with the Department of the Army, shall execute the plans and project referred to in Section 12722 and exercise all powers granted to it in the Alameda County Flood Control and Water Conservation District Act, and the district may make such modifications and amendments to the plans as may be necessary to execute them for the purposes of Chapters 1 (commencing with Section 12570) and 2 (commencing with Section 12639) of this part.

CHAPTER 469

An act to amend Sections 460, 626.1, 4231, 4247, and 4283 of the Agricultural Code, relating to milk.

[Approved by Governor May 18, 1963 Filed with Secretary of State May 20, 1963]

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

SECTION 1. Section 460 of the Agricultural Code is amended to read:

460. Market milk, except as provided in this article shall contain not more than 15,000 bacteria per milliliter if raw and not more than 75,000 bacteria per milliliter before pasteurization and if pasteurized not more than 15,000 bacteria per milliliter at time of delivery to the consumer. It shall be cooled to 50 degrees Fahrenheit or below if raw and so maintained until delivered to the consumer; however, market milk delivered for pasteurization need not be cooled to 50 degrees Fahrenheit or below if such market milk arrives at the milk products plant within four hours after production and provided, further, that such market milk complies with the bacteria standard herein specified and is cooled immediately upon arrival to 50 degrees

Fahrenheit or below, unless the process of separation or pasteurization begins immediately. Market milk when delivered to the consumer shall contain not less than 3.5 percent of milk fat and not less than 8.15 percent of solids-not-fat. Effective October 1, 1963, market milk when delivered to the consumer shall contain not less than 3.5 percent of milk fat and not less than 8.35 percent of solids-not-fat; provided further, however, that effective October 1, 1965, and thereafter the solids-not-fat content of market milk when delivered to the consumer shall be not less than 8.5 percent. Market milk may be standardized to a milk fat content of not less than 3.5 percent. Market milk produced for sale under the supervision of a milk inspection service approved by the director or established and conducted by the director shall be in conformity with the provisions for the respective grades as defined in this article. Market milk includes market cream except as otherwise specifically provided. Market goat milk may be standardized to a milk fat content of not less than 3.3 percent. Market goat milk when delivered to the consumer shall contain not less than 8.15 percent of solid-not-fat.

SEC. 2. Section 626.1 of said code is amended to read:

626.1. Low-fat milk is a market milk product. Low-fat milk shall contain not less than 1.9 percent milk fat, not more than 2.1 percent milk fat, and not less than 10 percent of milk solids-not-fat. Low-fat milk may contain added vitamins and minerals, provided that such low-fat milk is labeled to indicate such additions and the amount thereof. Low-fat milk shall otherwise meet all standards and requirements specified in this division for market milk and shall be labeled "low-fat milk."

SEC. 3. Section 4231 of said code is amended to read:

4231. Subject to the provisions of Section 4247, in determining the minimum prices to be paid by distributors to producers or associations of producers for the several class usages for a marketing area, the director may establish prices for fluid milk, or fluid cream and fluid skim milk, or milk fat or fluid skim milk components of such fluid milk. Any such minimum prices established by the director shall be applicable to all fluid milk, or fluid cream and skim milk, or milk fat or fluid skim milk components of such fluid milk utilized in such marketing area, in accordance with the several class usages of such fluid milk or such components of such fluid milk regardless of the area of origin.

The stabilization and marketing plan may further provide for maximum charges for plant processing and transportation service on the fluid milk, fluid cream and fluid skim milk, or milk fat or fluid skim milk components which are transported to the area where sold. The stabilization and marketing plan may enumerate the applicable maximum charges, and may establish individual charges for each function enumerated. In establishing any such maximum charges for such transportation services, the director shall base such maximum charges upon the rates charged for actual or reasonably similar serv-

ices by highway carriers, as the term "highway carriers" is defined in Section 3511 of the Public Utilities Code.

SEC. 4. Section 4247 of said code is amended to read:

4247. In the event that the director establishes under this chapter a stabilization and marketing plan for fluid milk, the director shall prescribe minimum prices to be paid by distributors for fluid cream, fluid skim milk, or milk fat, or fluid skim milk components of such fluid milk, under such a stabilization and marketing plan, pursuant to the provisions of this chapter. The director shall be required to establish minimum prices to be paid by distributors for Class 1 usage of fluid milk upon a milk-fat and milk-solids-not-fat basis.

SEC. 5. Section 4283 of said code is amended to read:

4283. Subject to the provisions of Section 4247, each such plan shall contain provisions whereby the director shall provide methods for the establishment of minimum prices for fluid milk, fluid cream, or the milk fat or fluid skim milk components of such fluid milk or fluid skim milk, received within a marketing area regardless of whether such fluid milk, fluid cream, or the milk fat or fluid skim milk components of such fluid milk or fluid skim milk, is subsequently sold or distributed within or without such marketing area within the jurisdiction of the State of California, and may contain such provisions whether or not such fluid milk, fluid cream, or the milk fat or fluid skim milk components of such fluid milk or fluid skim milk is subsequently sold or distributed without the jurisdiction of the State of California. Such stabilization and marketing plans shall provide for the establishment of prices for fluid milk, fluid cream, or the milk fat or fluid skim milk components of such fluid milk or fluid skim milk, whether or not such fluid milk, fluid cream, or the milk fat or fluid skim milk components of such fluid milk or fluid skim milk, is subsequently sold or distributed in another marketing area within the State of California where a stabilization and marketing plan is in effect. The stabilization and marketing plan shall provide that producers shall be paid not less than the minimum prices established for the marketing area wherein such fluid milk, fluid cream, or the milk fat or fluid skim milk components of such fluid milk or fluid skim milk, is ultimately sold or distributed, and shall further provide that in the event such fluid milk, fluid cream, of the milk fat or fluid skim milk components of such fluid milk, fluid skim milk, is subsequently sold or distributed in any place within the jurisdiction of the State of California where no stabilization and marketing plan is in effect, then such fluid milk, fluid cream, or the milk fat or fluid skim milk components of such fluid milk or fluid skim milk, shall be paid by the distributor to the producer thereof at not less than the average of prices paid by distributors, whose plants are located within such area, to producers for fluid milk, fluid cream, or the milk fat or fluid skim milk components of such fluid milk, but in the event no plants are located within said area, then the price which shall be paid by the distributor

to the producer thereof shall not be less than the average of prices paid by distributors to producers for fluid milk, fluid cream, or fluid skim milk, or the milk fat or fluid skim milk components of such fluid milk, at the plants in the nearest marketing areas adjacent to the area where such fluid milk, fluid cream, or the milk fat or fluid skim milk components of such fluid milk or fluid skim milk, is sold or distributed as established by the stabilization and marketing plans in effect in such adjacent marketing areas.

CHAPTER 470

An act to amend Section 1873 of the Civil Code, relating to unclaimed property.

[Approved by Governor May 18, 1963. Filed with Secretary of State May 20, 1963]

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

SECTION 1. Section 1873 of the Civil Code is amended to read:

1873. The legislative body of any city, city and county, or county may provide by ordinance for the care, restitution, sale or destruction of unclaimed property in the possession of the police department of such city or city and county or of the sheriff of such county. Any city, city and county, or county adopting such an ordinance shall provide therein (1) that such unclaimed property except unclaimed bicycles, shall be held by the police department or sheriff for a period of at least six months, and that unclaimed bicycles shall be held for a period of at least three months, (2) that thereafter such property will be sold at public auction to the highest bidder, and (3) that notice of such sale shall be given by the chief of police or sheriff at least five days before the time fixed therefor by publication once in a newspaper of general circulation published in the county.

CHAPTER 471

An act to add Section 9810 of the Vehicle Code, relating to unclaimed property.

[Approved by Governor May 18, 1963 Filed with Secretary of State May 20, 1963]

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

SECTION 1. Section 9810 is added to the Vehicle Code, to read:

9810. Any property found by the department in any vehicle seized under the provisions of this article shall be han-

dled by the department in the same manner as is provided in Sections 2414 and 2415 of this code. For purposes of this section, references to "department" and "commissioner" in said sections shall be deemed to refer to the Department of Motor Vehicles and the Director of Motor Vehicles, respectively.

CHAPTER 472

An act to amend Section 19623 of the Business and Professions Code, relating to fairs and expositions.

[Approved by Governor May 18, 1963. Filed with Secretary of State May 20, 1963.]

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

SECTION 1. Section 19623 of the Business and Professions Code is amended to read:

19623. The money appropriated for the Los Angeles County Fair and the 48th District Agricultural Association by Section 19622 may be expended for the payment of premiums and, with the approval of the Department of Finance, for capital outlay purposes, including the purchase of land and construction, improvements, and equipment, and for the support, and maintenance of such fairs.

CHAPTER 473

An act to amend Section 23014 of the Government Code, relating to county revolving funds.

[Approved by Governor May 18, 1963. Filed with Secretary of State May 20, 1963.]

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

SECTION 1. Section 23014 of the Government Code is amended to read:

23014. Pursuant to a resolution adopted by its board of supervisors by a four-fifths vote of all of the members of the board of supervisors, a county may appropriate any of its available moneys to a revolving fund not to exceed three hundred fifty thousand dollars ($350,000) to be used by any county sanitation district or county maintenance district, located wholly within the county for the acquisition of real or personal property, engineering services, or the construction of structures or improvements needed in whole or in part for district purposes. The revolving fund shall be reimbursed from service fees, connection charges, tax revenues or other moneys available to the district, and no sums shall be disbursed from

the fund until an agreement with a term not exceeding five years has been made between the board of supervisors and the governing board of the district encompassing the method by, and the time within, which the district is to reimburse the fund. Such reimbursement from tax revenue shall not exceed in any one fiscal year an amount equal to one cent ($0.01) on the tax rate or twenty-five thousand dollars ($25,000), whichever is less. The district shall reimburse the fund for any amount disbursed to the district within five years after such disbursement, together with interest at the current rate per annum received on similar types of investments by the county as determined by the county treasurer.

CHAPTER 474

An act to amend Section 5782.1 of the Public Resources Code, relating to recreation and park districts.

[Approved by Governor May 18, 1963. Filed with Secretary of State May 20, 1963.]

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

SECTION 1. Section 5782.1 of the Public Resources Code is amended to read:

5782.1. The board of directors is the legislative body of the district and shall determine all questions of policy.

The powers and duties of the board of directors are the same, whether it is composed of the supervising authority, appointed by the supervising authority, or is an elective board of directors.

CHAPTER 475

An act to add Sections 51520 and 51562 to the Government Code, relating to transfer of city functions.

[Approved by Governor May 18, 1963 Filed with Secretary of State May 20, 1963]

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

SECTION 1. Section 51520 is added to the Government Code, to read:

51520. Notwithstanding any provision of this article relating to compensation paid to the county for assessing and collecting taxes for a city, the board of supervisors of a county may, upon a finding of public interest, perform such assessment and collection services for a city without compensation from such city.

SEC. 2. Section 51562 is added to said code, to read:

51562. Notwithstanding any provision of this article relating to compensation paid to the county for assessing and collecting taxes for a city, the board of supervisors of a county may, upon a finding of public interest, perform such assessment and collection services for a city without compensation from such city.

CHAPTER 476

An act to amend Sections 1357, 1360.1 and 1362 of the Financial Code, and to amend Sections 1172, 1173, 1192.1 and 1194.5 of the Insurance Code, relating to legal investments for savings banks and incorporated insurers.

[Approved by Governor May 18, 1963. Filed with Secretary of State May 20, 1963.]

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

SECTION 1. Section 1357 of the Financial Code is amended to read:

1357. An amount not exceeding in all 20 percent of the bank's savings deposits in (a) the bonds or other evidences of indebtedness of, or which are unconditionally guaranteed by, the Dominion of Canada, the Commonwealth of Puerto Rico, or any state of the United States other than California, for the payment of both principal and interest of which in United States' dollars, the faith and credit of such dominion, commonwealth, or state are pledged; (b) in limited obligations of any state of the United States, other than California, or the Commonwealth of Puerto Rico, payable only from special taxes which are pledged to the payment of principal and interest of such limited obligations; and (c) in the bonds or other evidences of indebtedness of any city, county, political subdivision, public corporation, or district (herein referred to generally as public corporations) of any state of the United States other than California, or of the Dominion of Canada, or of the Commonwealth of Puerto Rico, having the power without limit as to rate or amount to levy taxes to pay the principal and interest of such bonds upon all property within its boundaries subject to taxation by such public corporation; provided:

(a) An amount exceeding 25 percent of the paid-up capital and surplus of the savings bank or 1 percent of the savings deposits of the bank, whichever is greater, may not be invested in the bonds or other obligations of any one state other than California, or in the bonds of the Dominion of Canada, or in the bonds of the Commonwealth of Puerto Rico, or in the bonds of any one public corporation located in a state other than California;

(b) In the case of bonds constituting general obligations of any such state, commonwealth or dominion, such state, com-

monwealth or dominion has not within 10 years prior to such investment defaulted for a period of more than 90 days in the payment of any part of either principal or interest of any of its debts;

(c) In the case of such limited obligations of any such state, or commonwealth, (1) that such state, or commonwealth, has not within 10 years prior to the date of such investment defaulted for a period of more than 90 days in the payment of either principal or interest of any of its debts; (2) the special taxes pledged for the payment of such limited obligations shall have been collected for five fiscal years next preceding any investment and during said five fiscal years shall have averaged at least one and one-half times the debt service requirements, including those for principal, interest, and sinking fund, on all such special obligations existing at the time; and (3) such special taxes for each of said five fiscal years shall have equaled at least the amount of all such debt service requirements on such special obligations; and

(d) In the case of bonds or other evidences of indebtedness of any such public corporation of any state other than California, or of such commonwealth:

(1) Such public corporation has had a corporate existence or been otherwise established and functioning for at least 10 years prior to the time of such investment;

(2) Such public corporation has a population of at least 50,000 inhabitants according to the last federal or state census;

(3) Such public corporation for a period of at least 10 years prior to such investment has not defaulted in the payment of any part of the principal or interest of any of its debts for a period of more than 90 days; and

(4) The net direct debt together with the net overlapping debt of such public corporation does not exceed 10 percent of the assessed valuation of the property subject to taxation by such public corporation according to the last official equalized assessment roll or list upon the basis of which taxes for debt service are based.

SEC. 2 Section 1360 1 of the Financial Code is amended to read:

1360.1. An amount not exceeding 25 percent of the paid-up capital and surplus of the savings bank or not exceeding 1 percent of the bank's savings deposits, whichever is lesser, in bonds, notes or other obligations issued or assumed by the International Bank for Reconstruction and Development, the Tennessee Valley Authority, the Inter-American Development Bank or the Government Development Bank for Puerto Rico

SEC. 3. Section 1362 of the Financial Code is amended to read:

1362. An amount not exceeding in all 10 percent of the bank's savings deposits in revenue securities of any state of the United States, or of the Commonwealth of Puerto Rico, and of any city, county, city and county, political subdivision, public corporation, or district (herein referred to generally as public

corporations) of any such state or commonwealth and of any department, board, agency, or authority of any such state or commonwealth or of any such public corporation; provided:

(a) An amount exceeding 25 percent of the paid-up capital and surplus of the savings bank or exceeding 1 percent of the savings deposits of the bank, whichever is greater, may not be invested in revenue securities payable from the income from any one revenue-producing property or project or issued by any one public corporation whether issued directly or through a department, board, agency, or authority thereof;

(b) Such revenue securities constitute obligations payable out of the revenues from a revenue-producing property owned, controlled, or operated by such state, commonwealth, public corporation, or by a department, board, agency, or authority thereof and are secured by such revenues;

(c) (1) The net income from such property available for the payment of such securities for the five fiscal years next preceding any such investment, shall have averaged at least one and one-tenth times all debt service requirements for principal, interest, and sinking fund of all revenue securities payable only out of the revenues from such property during each of such fiscal years, and for each of such five fiscal years shall have equaled at least all debt service requirements for principal, interest, and sinking fund of such securities, and for the last fiscal year shall have amounted to at least the maximum annual debt service requirement for any fiscal year thereafter on all such securities which were outstanding during such last fiscal year and which will be outstanding in any fiscal year thereafter; and

The gross income from the property, the net income from which is pledged for the payment of such securities, in the last fiscal year prior to such investment was not less than one million dollars ($1,000,000) if located in California, and was not less than five million dollars ($5,000,000) if located elsewhere; and

The issuer is obligated to maintain rates at least sufficient to meet debt service requirements and such obligation is legally enforceable; or

(2) The issuer of the securities is entitled to receive under a legally enforceable contract with a corporation any of the securities of which are a legal investment for savings banks under Chapter 11 of Division 1 of this code annual payments averaging not less than nine hundred thousand dollars ($900,000) a year commencing with the completion of a project or projects as fixed in the construction contract therefor and continuing during the maximum term for which said revenue securities are to mature; and

The issuer of the securities is obligated to maintain rates to produce revenue, or will receive contract payments, either or both of which will be sufficient to meet debt service requirements and such obligation or contract is legally enforceable;

(d) The public corporation or any department, board, agency, or authority thereof which issues the securities, if existing elsewhere than in California, has not within 10 years prior to such investment defaulted for a period of more than 90 days in the payment of principal or interest on any of its debts.

SEC. 4. Section 1172 of the Insurance Code is amended to read:

1172. Such insurers may invest in obligations of the Dominion of Canada, or the Commonwealth of Puerto Rico, or of any province of the Dominion of Canada, or of any political subdivision of the Commonwealth of Puerto Rico, or obligations for which are pledged the faith and credit either of the dominion, or the commonwealth, or of any province of the dominion, or of any political subdivision of the commonwealth, for the payment of principal and interest, if within 10 years immediately preceding the investment such province or such political subdivision was not in default for more than 90 days in the payment of principal or interest upon any legally authorized obligation issued by it.

SEC. 5. Section 1173 of the Insurance Code is amended to read:

1173. Such insurers may invest in obligations issued under authority of law by any county, municipality, or school district in this State or in any other state, or in any province of the Dominion of Canada or in any political subdivision of the Commonwealth of Puerto Rico, if the obligor has not within two years next preceding the investment defaulted for more than 90 days in the payment of any part of either principal or interest upon any legally authorized obligation issued by it, and the obligations of the state or province or political subdivision in which it is located are legal for investment under the provisions of Sections 1172 or 1174.

SEC. 6. Section 1192.1 of the Insurance Code is amended to read:

1192.1. Excess funds investments may be made in bonds, notes or other obligations issued, assumed or guaranteed by the International Bank for Reconstruction and Development, or the Inter-American Development Bank, or the Government Development Bank for Puerto Rico. Investments held under the authority of this section at any one time shall not be in excess of two and one-half percent ($2\frac{1}{2}\%$) of the insurer's admitted assets or an amount equal to twenty-five percent (25%) of the total of the capital and surplus of such insurer, whichever is the lesser. Percentage or dollar value of assets and surplus as provided herein shall be determined by the insurer's last preceding annual statement of conditions and affairs filed with the commissioner pursuant to law.

SEC. 7. Section 1194.5 of the Insurance Code is amended to read:

1194 5. Excess funds investments may be made in bonds issued by any state, the Commonwealth of Puerto Rico, or by

any city, county or city and county of any state, or of the commonwealth, or by any department or board of such city, county or city and county, or of said commonwealth, or by any district, state or governmental agency or authority, including any governmental agency or authority of the Commonwealth of Puerto Rico, payable solely out of the revenues from a revenue-producing utility or facility owned, controlled or operated by the issuer of such bonds

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CHAPTER 477

An act to amend Sections 31791 and 31823 of the Streets and Highways Code, relating to vehicle parking districts.

[Approved by Governor May 18, 1963. Filed with Secretary of State May 20, 1963.]

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

SECTION 1. Section 31791 of the Streets and Highways Code is amended to read:

31791. To provide revenues for the district, at any time prior to the formation of the district, or after the formation of the district and prior to the appointment of a board of parking place commissioners, the legislative body conducting the proceeding for the formation of the district may enter into a contract or lease with any owner or tenant of property in the district under which the owner or tenant, for a specified rental or other consideration and for a specified period not exceeding 20 years, reserves a reasonable proportion or number of parking spaces in a parking place of the district for the use of the owner or tenant of such property, the employees of the owner or tenant performing services on the property, and the customers of, or other classes of persons designated by, the owner or tenant and entering the property as invitees or otherwise. After the appointment of a board of parking place commissioners, the board may make such contracts or leases.

SEC. 2. Section 31823 of said code is amended to read:

31823. The tax levy for maintenance, operation, repair, and improvement of parking places in any year shall not exceed ten cents ($0.10) on each one hundred dollars ($100) assessed value of taxable land and improvements within the district. The tax levy for acquisition of additional parking places in any year shall not exceed twenty-five cents ($0.25) on each one hundred dollars ($100) assessed value of taxable land and improvements within the district.

CHAPTER 478

An act to add Sections 3119.1 and 3119.2 to, and to amend Sections 3124 and 3168 of, the Education Code, to add Sections 3257.6 and 3257.7 to, and to amend Sections 3262 and 3305 of, Division 5 of the Education Code as added by Senate Bill No. 718 of the 1963 Regular Session, relating to school district organization, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 18, 1963. Filed with Secretary of State May 20, 1963.]

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

SECTION 1. Section 3119.1 is added to the Education Code, to read:

3119.1. The plans and recommendations for the formation of a new junior college district formulated by the augmented county committee pursuant to Section 3108 may include recommendations to authorize the issuance of bonds by the new district in an amount determined by the augmented county committee, all or a part of which may be used for purposes designated by the augmented committee but not in conflict with Article 1 (commencing at Section 21701) of Chapter 7 of Division 16 of this code. The acquisition by a junior college district formed in accordance with plans and recommendations adopted pursuant to this chapter from a high school district or unified school district of junior college facilities of such high school district or unified school district shall be a purpose for which school district bonds may be issued and sold pursuant to Chapter 7 (commencing at Section 21701) of Division 16 of this code.

SEC. 2. Section 3119.2 is added to said code, to read:

3119.2. A recommendation made pursuant to Section 3119.1 shall be voted upon as a separate proposition at the election for the adoption or rejection of the plans and recommendations for the formation of the new junior college district. The recommendation made pursuant to Section 3119.1 shall become effective if the percentage of votes required for the passage of the bond issue as provided in Section 18 of Article XI of the Constitution are cast in favor of the proposition for issuance of the bonds. The augmented county committee may provide that the proposed districts shall not be formed unless the recommendation provided for in Section 3119.1 is approved.

SEC. 3. Section 3124 of said code is amended to read:

3124. When the augmented county committee includes in its plans and recommendations proposals for the division of the school property of an existing district under Sections 3121 and 3123, such proposal shall be deemed to be an integral part of the plans and recommendations and a favorable vote by a majority of the voters on the question of reorganization, as provided in Sections 3151 to 3169, inclusive, shall be deemed to

be a favorable vote upon the plans and recommendations as a whole; provided, however, that if the plans and recommendations require the incurring of a bonded indebtedness within a new district or in any district or portion of a district remaining upon the unification or other reorganization in order to provide funds to equalize the division of the school property among the newly organized districts, then the proposition for the incurring of such bonded indebtedness shall be submitted as a separate proposition to the electors of the district or portion thereof which is to incur such indebtedness at the same election at which the proposition of approving the plans and recommendations is submitted to vote of the electors of the proposed unified or otherwise reorganized districts. The plans and recommendations shall not be deemed to have been approved unless the proposition of incurring such indebtedness is approved by the percentage of votes required for the passage of a bond issue as provided in Section 18 of Article XI of the Constitution cast in the district or portion thereof which is to incur such indebtedness. The proceedings for the issuance and sale of said bonds shall be taken in substantial conformity with the provisions of Sections 21701 to 21801, inclusive, and Sections 21803 to 22152, inclusive, of this code except that said bond election shall be called and canvassed by the county superintendent of schools and the proposition submitted thereat shall be

"Shall _____ district incur a bonded indebtedness in the aggregate principal amount of $_____ for the purpose of paying its share of the equitable adjustment resulting from the reorganization of said school district?"

The county superintendent of schools shall certify to the board of supervisors of the county whose superintendent of schools has jurisdiction over the district, all proceedings had in the premises and said board of supervisors shall cause said bonds to be issued and sold as provided in Sections 21701 to 21801, inclusive, and Sections 21803 to 22152, inclusive, of this code except that the proceeds of sale of said bonds shall be deposited to the credit of the reorganized district entitled to such proceeds pursuant to said plans and recommendations.

SEC. 4. Section 3168 of said code is amended to read:

3168. If the percentage of votes prescribed by Section 18 of Article XI of the California Constitution for passage of a bond issue of all the votes cast in each district at the election on the question of the assumption of bonded indebtedness by a school district created as the result of the unification or other reorganization of school districts recommended by the county committee are cast in favor of the assumption of such bonded indebtedness, the district created shall be liable for the assumption of such bonded indebtedness.

SEC. 5. Section 3257.6 is added to Division 5 of the Education Code as added by Senate Bill No. 718 of the 1963 Regular Session, to read:

3257.6. The plans and recommendations for the formation of a new junior college district formulated by the augmented county committee may include recommendations to authorize the issuance of bonds by the new district in an amount determined by the augmented county committee, all or a part of which may be used for purposes designated by the augmented committee but not in conflict with Article 1 (commencing at Section 21701) of Chapter 7 of Division 16 of this code. The acquisition by a junior college district formed in accordance with plans and recommendations adopted pursuant to this chapter from a high school district or unified school district of junior college facilities of such high school district or unified school district shall be a purpose for which school district bonds may be issued and sold pursuant to Chapter 7 (commencing at Section 21701) of Division 16 of this code.

SEC. 6. Section 3257.7 is added to said division of said code as added by said Senate Bill No. 718, to read:

3257.7. A recommendation made pursuant to Section 3257.6 shall be voted upon as a separate proposition at the election for the adoption or rejection of the plans and recommendations for the formation of the new junior college district The recommendation made pursuant to Section 3257.6 shall become effective if the percentage of votes required for the passage of the bond issue as provided in Section 18 of Article XI of the Constitution are cast in favor of the proposition for issuance of the bonds. The augmented county committee may provide that the proposed districts shall not be formed unless the recommendation provided for in Section 3257.6 is approved.

SEC. 7. Section 3262 of said division of said code as added by said Senate Bill No. 718 is amended to read:

3262. When the augmented county committee includes in its plans and recommendations proposals for the division of the school property of an existing district under Sections 3258 and 3259, the proposal shall be deemed to be an integral part of the plans and recommendations and, except as provided in this section, a favorable vote by a majority of the voters on the question of reorganization, as provided in Article 6 (commencing with Section 3291) of this chapter, shall be deemed to be a favorable vote upon the plans and recommendations as a whole.

If the plans and recommendations require the incurring of a bonded indebtedness within a new district or in any district or portion of a district remaining upon the unification or other reorganization in order to provide funds to equalize the division of the school property among the newly organized districts, then the proposition for the incurring of the bonded indebtedness shall be submitted as a separate proposition to the electors of the district or portion thereof which is to incur such indebtedness at the same election at which the proposition of approving the plans and recommendations is submitted to vote of the electors of the proposed unified or otherwise reorganized districts. A ballot of a different color shall be used for such

proposition at the election. The plans and recommendations shall not be deemed to have been approved unless the proposition of incurring such indebtedness is approved by the percentage of votes required for the passage of a bond issue as provided in Section 18 of Article XI of the Constitution cast in the district or portion thereof which is to incur such indebtedness.

The proceedings for the issuance and sale of the bonds shall be taken in substantial conformity with the provisions of Sections 21701 to 21801, inclusive, and Sections 21803 to 22152, inclusive, except that the bond election shall be called and canvassed by the county superintendent of schools and the proposition submitted thereat shall be

"Shall _____ district incur a bonded indebtedness in the aggregate principal amount of $_____ for the purpose of paying its share of the equitable adjustment resulting from the reorganization of said school district?"

SEC. 8. Section 3305 of said division of said code as added by said Senate Bill No. 718 is amended to read:

3305. If the percentage of votes prescribed by Section 18 of Article XI of the California Constitution for passage of a bond issue cast in each district at the election on the question of the assumption of bonded indebtedness by a school district created as the result of the unification or other reorganization of school districts recommended by the county committee are cast in favor of the assumption of such bonded indebtedness, the district created shall be liable for the assumption of such bonded indebtedness.

SEC. 9 Sections 5, 6, 7, and 8 of this act shall take effect only if Senate Bill No 718 of the 1963 Regular Session is enacted at said session, in which event they shall take effect at the same time as Senate Bill No. 718, and Sections 3119.1 and 3119.2 added to, and Sections 3124 and 3168 of, the Education Code, as added or amended by Sections 1, 2, 3, and 4, are repealed.

SEC. 10. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

There are pending proceedings for the formation of new junior college districts which will be submitted to the electors before the end of the fiscal year. In order to provide the financial basis necessary to meet the educational needs of students in such districts it is necessary that this act take effect immediately.

CHAPTER 479

An act to amend Section 21050 of, and to add Article 4 (commencing with Section 21200) to Chapter 1 of Division 11 of, and to repeal Section 25652 of, the Vehicle Code, relating to operation of bicycles.

[Approved by Governor May 18, 1963. Filed with Secretary of State May 20, 1963.]

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

SECTION 1. Section 21050 of the Vehicle Code is amended to read:

21050. Every person riding a bicycle or riding or driving an animal upon a highway has all of the rights and is subject to all of the duties applicable to the driver of a vehicle by this division, Division 10 (commencing with Section 20000), and Sections 2800 and 2801, except those provisions which by their very nature can have no application. Every person riding a bicycle upon a highway shall also comply with the special bicycle regulations contained in Sections 21200 through 21206, inclusive.

SEC. 2. Article 4 (commencing with Section 21200) is added to Chapter 1 of Division 11 of said code, to read:

Article 4. Operation of Bicycles

21200. A bicycle is every device propelled by human power upon which any person may ride, having two tandem wheels either of which is 20 inches or more in diameter.

21201. (a) Every bicycle shall be equipped with a brake which will enable the operator to make one braked wheel skid on dry, level, clean pavement.

(b) No person shall operate on the highway any bicycle equipped with handlebars so raised that the operator must elevate his hands above the level of his shoulders in order to grasp the normal steering grip area.

(c) No person shall operate upon any highway a bicycle which has been modified or altered in such a way as to cause the pedal in its lowermost position to be more than 12 inches above the ground.

(d) Every bicycle operated upon any highway during darkness shall be equipped with a lamp emitting a white light visible from a distance of 300 feet in front of the bicycle and with a red reflector on the rear of a type approved by the department which shall be visible from a distance of 300 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from 300 feet to the rear may be used in addition to the red reflector.

21202. Every person operating a bicycle upon a roadway shall ride as near the right side of the roadway as practicable,

exercising due care when passing a standing vehicle or one proceeding in the same direction.

21203. No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any streetcar or vehicle on the roadway.

21204. (a) A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.

(b) No person operating a bicycle upon a highway shall permit any person to ride on the handlebars.

21205. No person operating a bicycle shall carry any package, bundle or article which prevents the operator from keeping at least one hand upon the handlebars.

21206. This chapter does not prevent local authorities, by ordinance, from regulating the operation, use, licensing, or equipment of bicycles, provided such regulation is not in conflict with the provisions of this code.

SEC. 3. Section 25652 of said code is repealed.

CHAPTER 480

An act to amend Section 26709 of the Vehicle Code, relating to mirrors on vehicles.

[Approved by Governor May 18, 1963. Filed with Secretary of State May 20, 1963.]

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

SECTION 1. Section 26709 of the Vehicle Code is amended to read:

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

(b) Every motor vehicle, of a type subject to registration, while towing a trailer or semitrailer and the towed vehicle or load thereon obscures the driver's view to the rear, shall be equipped with mirrors on both the left- and right-hand sides of the vehicle so located as to reflect to the driver a view of the highway through each mirror for a distance of at least 200 feet to the rear of such vehicle.

(c) Every bus or trolley coach, of a type subject to registration, shall be equipped with a mirror affixed to the right-hand side of the bus or trolley coach which shall be so located as to reflect to the driver a view of the highway for a distance of at least 200 feet to the rear of the right-hand side of the bus or trolley coach.

CHAPTER 481

An act to amend Section 22101 of the Vehicle Code, relating to turning movements.

[Approved by Governor May 18, 1963. Filed with Secretary of State May 20, 1963.]

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

SECTION 1. Section 22101 of the Vehicle Code is amended to read:

22101. (a) The Department of Public Works or local authorities in respect to highways under their respective jurisdictions, may cause official traffic control devices to be placed or erected within or adjacent to intersections to regulate or prohibit turning movements at such intersections.

(b) When turning movements are required at an intersection notice of such requirement shall be given by erection of a sign, unless an additional clearly marked traffic lane is provided for the approach to the turning movement, in which event notice as applicable to such additional traffic lane shall be given by any official traffic control device.

(c) When right- or left-hand turns are prohibited at an intersection notice of such prohibition shall be given by erection of a sign.

(d) When official traffic control devices are placed as required in subdivisions (b) or (c), it shall be unlawful for any driver of a vehicle to disobey the directions of such official traffic control devices.

CHAPTER 482

An act to amend Section 2d of the Los Angeles County Flood Control Act (Chapter 755, Statutes of 1915), relating to officers and employees of the Los Angeles County Flood Control District.

[Approved by Governor May 18, 1963. Filed with Secretary of State May 20, 1963.]

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

SECTION 1. Section 2d of the Los Angeles County Flood Control Act is amended to read:

Sec. 2d. All of the provisions of Articles IX and X, Sections 30 to 49 inclusive, of the Charter of the County of Los Angeles, (except Section 32, paragraphs (a), (b), (c), (d) and (e) of Section 33 and Section 37), relating to civil service and the rights of officers and employees, and the rules of the Civil Service Commission of the County of Los Angeles as the same now exist or may hereafter be changed or amended, are hereby adopted by reference, for the purposes of this act; provided,

however, that certain words used in said Articles IX and X of said county charter and in said rules of the civil service commission shall for the purposes of this act be construed as follows: The word "county" or "Los Angeles County" shall be construed to include the Los Angeles County Flood Control District; the words "commission" and "commissioner" shall be construed to include the Commission and Commissioner of the Civil Service Commission and Civil Service Commissioner, respectively, of the Los Angeles County Flood Control District; the words "chief examiner" and "secretary" shall be construed to include the Chief Examiner and Secretary of the Civil Service Commission of the Los Angeles County Flood Control District.

All persons employed by the Los Angeles County Flood Control District, except as expressly provided by Section 4 of this act, shall be appointed and shall hold his or her respective position and shall be subject to suspension, reduction or discharge in the same manner and under the same terms and conditions as in the case of persons employed in the classified civil service of the County of Los Angeles and shall constitute the classified civil service of the Los Angeles County Flood Control District.

If the Civil Service Commission of the County of Los Angeles finds that any person has been employed by the County of Los Angeles in a classified civil service position of the same grade or class as a similar position in the Los Angeles County Flood Control District, at the request of the Chief Engineer of the Los Angeles County Flood Control District the Los Angeles County Civil Service Commission shall certify said person as being eligible to transfer to and hold said district position with the same status and without further examination, if said person holds said position in the county classified civil service as a result of examination and certification by the county civil service commission. Any person entitled to participate in promotional examinations for positions in the county classified civil service shall similarly be entitled to participate in promotional examinations for positions in the classified civil service of the Los Angeles County Flood Control District, pursuant to county civil service commission rules in effect at the time, and to be certified for said district positions by the county civil service commission and to be appointed to said district positions.

CHAPTER 483

An act to add Section 5558 to the Business and Professions Code, relating to the practice of architecture.

[Approved by Governor May 18, 1963 Filed with Secretary of State May 20, 1963]

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

SECTION 1. Section 5558 is added to the Business and Professions Code, to read:

5558. If the board orally examines an applicant for a certificate and, during the examination, causes a record to be made of the proceeding, including, but not limited to, a written transcript thereof recorded and reproduced by stenographic, electronic or other means, it shall, on request of the applicant and at his expense, mail a copy thereof to the applicant at the address given in his application at the same time it is made available to the board.

CHAPTER 484

An act to amend Section 717 of the Government Code, relating to claims against local public entities.

[Approved by Governor May 18, 1963 Filed with Secretary of State May 20, 1963.]

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

SECTION 1. Section 717 of the Government Code is amended to read:

717. The governing body may act on a claim in one of the following ways:

(a) If the governing body finds the claim is not a proper charge against the local public entity, it shall reject the claim.

(b) If the governing body finds the claim is a proper charge against the local public entity and is for an amount justly due, it shall allow the claim.

(c) If the governing body finds the claim is a proper charge against the local public entity but is for an amount greater than is justly due, it shall either reject the claim or allow it in the amount justly due and reject it as to the balance. If the governing body allows the claim in part and rejects it in part it may require the claimant, if he accepts the amount allowed, to accept it in settlement of the entire claim.

Notice of any action taken under this section rejecting a claim in whole or in part shall be given in writing by the clerk, secretary or auditor of the local public entity to the person who presented the claim.

CHAPTER 485

An act to amend Section 1702 of the Streets and Highways Code, relating to county highways.

[Approved by Governor May 18, 1963. Filed with Secretary of State May 20, 1963.]

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

SECTION 1. Section 1702 of the Streets and Highways Code is amended to read:

1702. Thereafter the board of supervisors of the county may acquire rights-of-way for, construct, maintain, improve, or repair such highway in the same manner as other county highways, and may pay for such work out of one or more of the following:

(a) The county general fund.

(b) The road fund.

(c) The proceeds of any county bond issue voted for the purpose of laying out, constructing, maintaining, improving or repairing county highways.

(d) Any other fund available for such purposes.

CHAPTER 486

An act to amend Section 1724 of the Streets and Highways Code, relating to county highways.

[Approved by Governor May 18, 1963. Filed with Secretary of State May 20, 1963.]

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

SECTION 1. Section 1724 of the Streets and Highways Code is amended to read:

1724. Thereafter, the board of supervisors of the county may acquire, construct and maintain such highway as other county highways are acquired, constructed and maintained and may pay for such work out of one or more of the following:

(a) The proceeds of any county bond issue for county highway construction;

(b) The road fund;

(c) The county general fund;

(d) Any other funds available for county highway purposes.

CHAPTER 487

An act to amend Section 19132 of the Streets and Highways Code, relating to highway lighting.

[Approved by Governor May 18, 1963. Filed with Secretary of State May 20, 1963.]

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

SECTION 1. Section 19132 of the Streets and Highways Code is amended to read:

19132. The governing body shall:

(a) Make all rules, regulations and laws necessary for the administration, operation and maintenance of the highway lighting district.

(b) Supervise and plan a system of highway illumination for the district and decide upon the kind of service most feasible for the district. Nothing in this chapter shall prevent the board of supervisors from installing and maintaining electric lights on highways in the district for the safety of persons using the roads and bridges and from paying for the same out of the road fund of the county or district road fund.

(c) Indicate the placing and installation of all lights and any and all subsequent additional lights.

(d) Receive bids, award and make contracts with lighting companies in the name of the district to its very best advantage for the installation and maintenance of the street lighting system or any portion thereof and for servicing the same.

(e) Determine the number of employees necessary to properly care for and maintain the system. The governing body shall prescribe their duties and fix their compensation. All district employees shall hold their positions at the pleasure of the governing body.

(f) Designate the hours for lighting the district.

(g) Perform all other acts necessary or proper to carry out the provisions of this part.

CHAPTER 488

An act to amend Section 109 of the Agricultural Code, relating to quarantine.

[Approved by Governor May 18, 1963 Filed with Secretary of State May 20, 1963]

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

SECTION 1. Section 109 of the Agricultural Code is amended to read:

109. No quarantine shall be established by one county, city, district or other public agency, against another county, city, district or public agency, on account of the existence of any pest, without the written consent of the director.

CHAPTER 489

An act to amend Sections 5780.17 and 5780.30 of the Public Resources Code, relating to recreation and park districts.

[Approved by Governor May 18, 1963. Filed with Secretary of State May 20, 1963.]

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

SECTION 1. Section 5780.17 of the Public Resources Code is amended to read:

5780.17. The Director of Parks and Recreation shall, from time to time, study and investigate the law relating to the formation and organization of recreation and park districts and shall, following each such study and investigation, report to the Legislature the results of his investigation and study and also his conclusions and recommendations regarding needed legislation in order better to accomplish the purposes of the law.

SEC. 2. Section 5780.30 of said code is amended to read:

5780.30. The board of supervisors of a county in which lies the territory being proposed for inclusion in a district, or the city council of each city being proposed for inclusion in a district, or both the board of supervisors and each respective city council, or the supervising authority may request the Director of Parks and Recreation to submit a report to the requesting authorities on the feasibility of the proposal to establish a district in the territory. The report on feasibility of establishing a district, prepared by the Director of Parks and Recreation, may contain proposals for the boundaries of the district and estimates of annual tax revenue which will be necessary to finance needed facilities, programs, and services to be provided to the people of the district. The authorities requesting the feasibility report are not bound by the conclusions or recommendations contained in the report by the Director of Parks and Recreation who may also submit proposals for the provision of facilities, programs, and services by means other than the establishment of a district.

CHAPTER 490

An act to add Section 4794.1 to the Health and Safety Code, relating to bond elections in county sanitation districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 18, 1963. Filed with Secretary of State May 20, 1963.]

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

SECTION 1. Section 4794.1 is added to the Health and Safety Code, to read:

4794.1. Notwithstanding Section 4794, the district board may call another election to be held within six months after the election which failed, if the acquisition of the property and the doing of the work set forth in the engineer's report are recommended in writing by the health officer of the county in which the district is situated as necessary as an urgency health measure to avert an emergency threat to the public health and safety, the fact of such recommendation and a finding that such threat to the public health and safety exists is stated in the resolution calling the election, and such resolution is adopted by a four-fifths vote of the district board.

This section shall remain in effect until April 1, 1964.

This section shall be applicable only to districts located within the County of San Diego.

The Legislature finds and declares that special problems of sanitation exist in the County of San Diego due to the extremely rapid growth in population and the rapid opening of large new tracts of land to residential development, that in areas of San Diego County serious difficulties involving the pollution of streams and other related problems have arisen which threaten the health of San Diego County residents and that in one or more sanitation districts in the County of San Diego a bond election has failed by a small number of votes, thereby preventing the district from acquiring property and constructing needed sanitation facilities. These problems are not, however, common to all areas of the State in which county sanitation districts are located. It is, therefore, hereby declared that a general law cannot be made applicable and that the enactment of this section as a special law is necessary to effectuate the solution of problems which threaten the health of the residents of San Diego County.

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

In one or more county sanitation districts within the County of San Diego an election has been held to authorize the issuance of bonds to finance the acquisition of property and the construction of sewers and sewage disposal facilities urgently needed for the preservation of the public health and safety, but have failed to receive the approval of two-thirds of the voters voting at the election, although receiving approval of the majority of the voters voting thereat. In cases where such improvements are necessary as a health measure the preservation of the public health and safety requires that they be financed immediately. In order to eliminate delay in the authorization of bonds to finance such improvements required to preserve the public health and safety, it is necessary that this act take effect immediately.

CHAPTER 491

An act to amend Section 4087 of the Business and Professions Code, relating to the practice of pharmacy.

[Approved by Governor May 18, 1963. Filed with Secretary of State May 20, 1963.]

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

SECTION 1. Section 4087 of the Business and Professions Code is amended to read:

4087. Pharmaceutical experience constitutes service and experience in a pharmacy under the personal supervision of a registered pharmacist, and consists of service and experience predominantly related to the selling of drugs, compounding physician's prescriptions, preparing pharmaceutical preparations, and keeping records and making reports required under state and federal statutes.

To be credited to the total number of hours required by Section 4088, this experience shall have been obtained in pharmacies and under conditions set forth by rule or regulation of the board adopted in accordance with the provisions of Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code.

CHAPTER 492

An act to add Chapter 6 (commencing with Section 22975) to Part 5 of Division 11 of the Water Code, relating to the El Dorado Irrigation District, and authorizing such district to exercise additional powers.

[Approved by Governor May 18, 1963. Filed with Secretary of State May 20, 1963.]

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

SECTION 1. Chapter 6 (commencing with Section 22975) is added to Part 5 of Division 11 of the Water Code, to read:

CHAPTER 6. PROVISIONS PERTAINING ONLY TO THE EL DORADO IRRIGATION DISTRICT

22975. Notwithstanding any other provision contained in this division, the El Dorado Irrigation District, or an improvement district formed within the El Dorado Irrigation District pursuant to the provisions of this division may:

(a) Construct, operate and maintain facilities for the collection, transmission, treatment and disposal of sewage water, including all works, structures, plants, equipment, and lines

necessary and convenient for the collection, transmission, treatment, and disposal of sewage waters within the district.

(b) Construct, operate and maintain works and facilities for the use, storage, control, regulation, and distribution of any drainage water within the district.

(c) Authorize, issue and sell revenue bonds pursuant to the provisions of the Revenue Bond Law of 1941 (Chapter 6 (commencing with Section 54300) of Part 1 of Division 2 of Title 5 of the Government Code) for any one or more of the purposes specified in this division.

(d) Authorize, issue and sell general obligation bonds pursuant to the provisions of Article 10 (commencing with Section 25211.1) of Chapter 2.2 of Part 2 of Division 2 of Title 3 of the Government Code for any one or more of the purposes specified in this division.

(e) Use the Improvement Act of 1911 (Division 7 (commencing with Section 5000) of the Streets and Highways Code), the Municipal Improvement Act of 1913 (Division 12 (commencing with Section 10000) of the Streets and Highways Code), and the Improvement Bond Act of 1915 (Division 10 (commencing with Section 8500) of the Streets and Highways Code) for the construction of any facilities authorized to be constructed under the provisions of this division.

In the application of the above-specified acts to proceedings under this subdivision, the terms used in those acts shall have the following meanings:

(1) "City council" and "council" shall mean the board of directors of the district.

(2) "City" and "municipality" shall mean the district.

(3) "Clerk" and "city clerk" shall mean the secretary.

(4) "Superintendent of streets" and "street superintendent" and "city engineer" shall mean the general manager of the district or any other person appointed to perform such duties.

(5) "Tax collector" shall mean the district tax collector.

(6) "Treasurer" and "city treasurer" shall mean the person or officer who has charge of and makes payment of the funds of the district.

(7) "Right-of-way" shall mean any parcel of land through which a right-of-way has been granted to the district for the purpose of constructing or maintaining any work or improvements which the district is authorized to do.

The powers and duties conferred by such acts upon boards, officers and agents of cities shall be exercised by the board, officers and agents of the district, respectively.

22976. This section provides for an alternative procedure for forming an improvement district within the El Dorado Irrigation District:

(a) It is hereby provided that El Dorado Irrigation District shall have, and it is hereby granted, all of the powers contained in the following listed sections of the Government Code for forming improvement districts within El Dorado

Irrigation District for any and all of the powers allowed El Dorado Irrigation District. These sections are listed as follows: Sections 25210.6, 25210 10, 25210.10a, 25210.11, 25210.12, 25210.13, 25210.14, 25210.15, 25210.16, 25210.17, 25210.17a, 25210.18, 25210.19, 25210.20, 25210.21, 25210.22, 25210.23, 25210.30, 25210.31 (except that the reference therein to Section 25210.14 shall mean services that El Dorado Irrigation District or an improvement district therein can perform), 25210.32, 25210.33, 25210.34, 25210.34a, 25210.35, 25210.36, 25210.37, 25210.38, 25210.80, 25210.80a, 25210.81, 25210.82, 25210.83, 25210.84, 25210.84a, 25210.85, 25210.90, 25210.90a, 25210.91, 25210.92, 25210.93, 25210.94, 25210.95, 25210.96, 25210.97, and 25210.98.

(b) The application of, and the terms used in, those sections shall have the following meanings:

1. "Board of supervisors" shall mean the board of directors of the district.

2. "County service area" shall mean improvement district.

3 "County services" shall mean El Dorado Irrigation District services.

4. "County Services Area No. _____" shall mean "Improvement District No. _____."

5. "Chapter" shall mean section.

6. "Section 25210 4" shall mean "services permitted El Dorado Irrigation District."

7. "County taxes" shall mean El Dorado Irrigation District assessments.

8. "County treasurer" shall mean El Dorado Irrigation District treasurer.

22977. In the event that the board of the El Dorado Irrigation District determines that it may be for the best interests of the district for the district to have seven divisions for the purposes of Part 5 (commencing with Section 21550), it may propose, by resolution, the creation of seven divisions, the boundaries of which are set forth therein. The resolution shall be published pursuant to Section 6066 of the Government Code together with a notice of a hearing to be held to consider the proposal. At the time stated in the notice for the hearing, the board shall consider the proposal and hear any owners of taxable property within the district who desire to support or oppose the proposal. If after the hearing, the board determines that it is for the best interests of the district to have the seven divisions with boundaries as proposed or as amended at the hearing, it shall, by resolution, establish the divisions and describe their boundaries. Upon the adoption of the resolution establishing seven divisions, the board shall appoint two additional directors at large who shall serve until the next general election.

Notwithstanding the adoption of the resolution establishing the seven divisions, the five directors in office at the time of such establishment shall continue to serve until the next general election. At such general election, a director shall be

elected in each of the seven divisions established by the board's resolution. The directors elected at such election shall classify themselves by lot so that three shall serve for terms of two years and four shall serve for terms of four years. Thereafter, their successors shall serve for terms of four years.

SEC. 2. This act is necessary to provide for the regulation of the affairs of the El Dorado Irrigation District with respect to which a general law cannot be made applicable. The facts requiring the adoption of this special act are:

The El Dorado Irrigation District for many years past has made investigations and water studies of the needs of lands within the district, and the district has been responsive to the changing characteristics of these needs. To avoid the duplication and confusion resulting from an overlapping of a multiplicity of special districts, the powers of the El Dorado Irrigation District need to be broadened to authorize activity in all the different phases of water management, including drainage and sewage. The El Dorado Irrigation District, a presently organized and operating political subdivision of the State, is the only operating entity in its service area presently able to cope with the unique problems resulting from the rapid growth and development in western central El Dorado County. Because of the unique problems presented by this area, the adoption of a special act is required.

CHAPTER 493

An act to amend Section 234 of the Civil Code, relating to proceedings to free a minor from parental custody and control.

[A.B. 122 having remained with the Governor 10 days (Sundays excepted), and the Legislature being in session, it became law without his signature. (See Section 9516, Government Code.) Filed with Secretary of State May 20, 1963.]

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

SECTION 1. Section 234 of the Civil Code is amended to read:

234. Upon the filing of such petition, a citation shall issue requiring any person having the custody or control of such minor person or the person with whom such minor person is, to appear with such minor person at a time and place stated in the citation. Service of such citation shall be made at least 10 days before the time stated therein for such appearance.

CHAPTER 494

An act to amend Sections 1603 and 1604 of the Probate Code, relating to transfer of guardianship proceedings.

[Approved by Governor May 18, 1963. Filed with Secretary of State May 20, 1963.]

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

SECTION 1. Section 1603 of the Probate Code is amended to read:

1603. The court in which a guardianship proceeding is pending may transfer the proceeding to the superior court of any other county which at the time of such transfer would have jurisdiction to issue original letters in such proceeding. To obtain such transfer, the guardian shall file in the court in which the proceeding is pending a verified petition setting forth:

(1) The name of the county to which it is sought to transfer the proceedings;

(2) The name of the county in which the ward resides and that in which the guardian resides;

(3) The name of the county or counties in which the property of the ward is situated, and a brief description of the character and condition of the property;

(4) The reasons for such transfer;

(5) The names and residences, so far as they are known to the guardian, of the relatives of the ward within the third degree residing in this State.

SEC. 2. Section 1604 of said code is amended to read:

1604. Upon the filing of the petition, the clerk shall set the same for hearing, which shall be not less than 10 days thereafter. The petitioner shall cause notice thereof to be mailed to each of the relatives of the ward named in the petition as resident in the State. Any relative of the ward, or any person interested in the estate of the ward, may appear and file written grounds of opposition to the petition. If, after a hearing, it appears to the court that the transfer of the proceeding to the court designated in the petition, or to the superior court of any other county, will be for the best interest of the ward, it shall make an order transferring the proceeding to said court. Thereupon the clerk must transmit to the clerk of the court to which the proceeding is transferred a certified copy of the order together with all papers in the proceeding on file in his office; and thereafter the court to which the proceeding is transferred shall exercise the same jurisdiction over the ward or his estate as if it had original jurisdiction.

CHAPTER 495

An act to amend Section 26821 of the Government Code, relating to filing fees.

[Approved by Governor May 18, 1963 Filed with Secretary of State May 20, 1963.]

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

SECTION 1. Section 26821 of the Government Code is amended to read:

26821. The fee for the filing of the first paper in a civil action or special proceeding, except an adoption proceeding, is ten dollars ($10); provided, however, in each civil action in which the demand is for one thousand dollars ($1,000) or less, the filing fee shall be six dollars ($6).

CHAPTER 496

An act to repeal Section 26310 of, and to add Section 26508 to, the Vehicle Code, relating to airbrake safety devices.

[Approved by Governor May 21, 1963. Filed with Secretary of State May 21, 1963.]

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

SECTION 1. Section 26310 of the Vehicle Code is repealed.

SEC. 2. Section 26508 is added to said code, to read:

26508. Every vehicle or combination of vehicles using compressed air at the wheels for applying the service brakes shall be equipped with an emergency stopping system meeting the requirements of this section and capable of stopping the vehicle or combination of vehicles in the event of failure in the service brake air system as follows:

(a) Every motor vehicle operated either singly or in a combination of vehicles and every towed vehicle shall be equipped with an emergency stopping system.

(b) Motor vehicles used to tow vehicles which use compressed air at the wheels for applying the service brakes shall be equipped with a device or devices with both a manual and automatic means of actuating the emergency stopping system on the towed vehicle as follows:

(1) The automatic device shall operate automatically in the event of reduction of the service brake air supply of the towing vehicle to a fixed pressure which shall be not lower than 20 pounds per square inch nor higher than 45 pounds per square inch.

(2) The manual device shall be readily operable by a person seated in the driver's seat, with its emergency position or method of operation clearly indicated. In no instance may

the manual means be so arranged as to permit its use to prevent operation of the automatic means.

(c) Motor vehicles manufactured prior to 1964 shall be deemed to be in compliance with subdivisions (e) and (f) when equipped with axle-by-axle protected airbrakes using a separate air tank system for each of at least two axles, provided that each system independently meets all other requirements of this section. Each system shall be capable of being manually applied, released, and reapplied from the driver's seat but shall not be capable of being released from the driver's seat after any reapplication unless there is available a means which can be applied from the driver's seat to stop and hold the vehicle or combination of vehicles.

(d) Towed vehicles shall be deemed to be in compliance with this section when:

(1) The towed vehicle is equipped with a no-bleed-back relay-emergency valve or equivalent device, so designed that the supply reservoir used to provide air for the brakes is safeguarded against backflow of air from the reservoir through the supply line,

(2) The brakes are applied automatically and promptly upon breakaway from the towing vehicle and maintain application for at least 15 minutes, and

(3) The combination of vehicles is capable of stopping within the distance and under the conditions specified in subdivisions (k) and (*l*).

(e) If the service brake system and the emergency stopping system are connected in any way, they shall be so constructed that a failure or malfunction in any one part of either system, including brake chamber diaphragm failure but not including failure in the drums, brakeshoes, or other mechanical parts of the wheel brakes, shall not leave the vehicle without one operative stopping system capable of complying with the performance requirements in subdivision (k).

(f) Every emergency stopping system shall be designed so that it is capable of being manually applied, released, and reapplied by a person seated in the driver's seat. The system shall be designed so that it cannot be released from the driver's seat after any reapplication unless immediate further application can be made from the driver's seat to stop and hold the vehicle or combination of vehicles. The emergency stopping system may also be applied automatically.

(g) No vehicle or combination of vehicles upon failure of the service brake air system shall be driven on a highway under its own power except to the extent necessary to move the vehicles off the roadway to the nearest place of safety.

(h) No vehicle or combination of vehicles shall be equipped with an emergency stopping system that creates a hazard on the highway, or increases the service brake stopping distance of a vehicle or combination of vehicles, or interferes in any way with the application of the service brakes on any vehicle or combination of vehicles.

(i) Any energy-storing device which is a part of the emergency stopping system shall be designed so that it is recharged or reset from the source of compressed air or other energy produced by the vehicle. No device shall be used which can be set to prevent automatic delivery of air to protected air supply reservoirs of motor vehicle emergency stopping systems when air is available in the service brake air supply system.

(j) Any vehicle manufactured on or after January 1, 1964, which uses axle-by-axle protected airbrakes as the emergency stopping system shall use a separate air tank system for each axle.

(k) Every motor vehicle or combination of vehicles, at all times and under all conditions of loading, upon application of the emergency stopping system, shall be capable of:

(1) Developing a stopping force that is not less than the percentage of its gross weight tabulated herein for its classification.

(2) Decelerating in a stop from 20 miles per hour at not less than the feet per second per second tabulated herein for its classification, and

(3) Stopping from a speed of 20 miles per hour in not more than the distance tabulated herein for its classification, such distance to be measured from the point at which movement of the emergency stopping system control begins.

EMERGENCY STOPPING SYSTEM REQUIREMENTS

	Classification of vehicle and combination of vehicles	Stopping force as a percentage of gross vehicle or combination weight	Deceleration in feet per second per second	Stopping distance in feet
A	Single-motor vehicles	16.7	5.5	90
B	Combination of vehicles	19.0	6.0	90
C	Single-motor vehicle with 3 or more axles manufactured prior to 1964	12.1	4.0	120

(*l*) Tests for deceleration and stopping distance shall be made on a substantially level, dry, smooth, hard surface that is free from loose material and where the grade does not exceed plus or minus 1 percent. No test of emergency stopping system performance shall be made upon a highway at a speed in excess of 25 miles per hour.

(m) The provisions of this section shall not apply to:

(1) Auxiliary dollies.

(2) Motor vehicles which are operated in a driveaway-towaway operation and not registered in this State.

(3) Disabled vehicles when being towed.

(n) The emergency stopping system requirements specified in subdivision (k) shall not apply to a vehicle or combination of vehicles being operated under a special weight permit nor to any overweight authorized emergency vehicle operated under the provisions of Section 35002.

(o) The provisions of this section shall become operative May 1, 1964.

CHAPTER 497

An act to amend Section 5829.1 of the Public Resources Code, relating to small craft harbors.

[Approved by Governor May 21, 1963. Filed with Secretary of State May 21, 1963.]

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

SECTION 1. Section 5829.1 of the Public Resources Code is amended to read:

5829.1. Any contract or agreement for a transfer pursuant to Section 5823 or a loan pursuant to Sections 5827 or 6499.5, for which gross revenues of a small craft harbor are made the security for repayment shall include, but is not limited to, provisions requiring the governing body of the city, county, or district to:

(a) Punctually pay all installments of principal and interest on money owed to the State.

(b) Continuously operate in an efficient and economical manner all small craft harbor facilities acquired, constructed, improved or completed in full or in part as a result of transfers or loans by the State.

(c) Make all repairs, renewals and replacements necessary to the efficient operation of the small craft harbor facilities and to keep them in good repair at all times.

(d) Preserve and protect the security interest of the State in all respects by procuring insurance on such facilities in an amount and of the type approved by the commission.

(e) Periodically fix, prescribe and collect fees, rentals or other charges for services and facilities of the small craft harbor facilities sufficient to produce gross revenues adequate for payment of the following in the order set forth:

(1) All installments of principal and interest on money owed the State as they come due.

(2) All expenses of operation, maintenance, and repair of the small craft harbor facilities.

(3) Such additional sums as may be required by the commission for any sinking fund, reserve fund or other special fund established for the further security of the loan or transfer or as a depreciation or other charge in connection with the small craft harbor facilities.

(f) Repay loans over a period not to exceed 30 years.

In addition to the foregoing, the commission shall include in any such contract or agreement a requirement that installments of principal and interest on money owed the State shall be paid from gross revenues prior to any other expenditures from such revenues and any other requirements which it deems necessary convenient or desirable to provide additional security for the performance by the city, county or district of its obligations under the contract or agreement. No loan of funds shall be made to any city, county or district unless such loan is approved by the commission as conforming to the policies established by the commission. Such contracts or agreements shall not be effective until approved by the Department of Natural Resources and the Department of Finance. The Department of Finance as part of their review shall give consideration to the economic feasibility of the project based on information provided by the division.

In the event of default the State shall proceed forthwith by means of legal action to recover such defaulted loans.

CHAPTER 498

An act to amend Sections 406 and 408 of the Code of Civil Procedure, relating to process in civil cases.

[Approved by Governor May 21, 1963. Filed with Secretary of State May 21, 1963.]

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

SECTION 1. Section 406 of the Code of Civil Procedure is amended to read:

406. The clerk, or, if there be no clerk, the judge, must endorse on the complaint the day, month, and year that it is filed, and at any time within one year thereafter the plaintiff may have a summons issued, and if the action be brought against two or more defendants, who reside in different counties, may have a summons issued for each of such counties at the same time. In any case in which there are two or more defendants, the plaintiff may have issued, at any time within one year of the filing of the complaint, as many alias summonses as there are defendants, and all such alias summonses, as well as the original summons or summonses, may be outstanding at one time. At any time within the year after the complaint is filed, the defendant may, in writing, or by appearing and answering or demurring, waive the issuing of summons. If the action be brought upon a joint contract of two or more defendants, and one of them has appeared within the year, the other or others may be served or appear after the year at any time before the trial.

SEC. 2. Section 408 of said code is amended to read:

408. If the summons is returned without being served on any or all of the defendants, or if it has been lost, the clerk, or judge, upon demand of the plaintiff, may issue an alias summons in the same form as the original, and within such time as the original might have been served if it had not been lost or returned. As many alias summonses as are necessary may be issued within such time. Alias summonses may also be issued as provided in Section 406.

CHAPTER 499

An act to amend Section 16251 of the Revenue and Taxation Code, relating to recovery of gift tax payment.

[Approved by Governor May 21, 1963. Filed with Secretary of State May 21, 1963.]

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

SECTION 1. Section 16251 of the Revenue and Taxation Code is amended to read:

16251. Within 60 days after notice of the determination of the amount of tax has been given by the Controller, any person who has paid the tax may file an action against the State in the superior court having jurisdiction to recover the tax so paid.

CHAPTER 500

An act to amend Section 13197 of the Education Code and Section 3 of Chapter 848 of the Statutes of 1961, relating to the certification of school personnel, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 21, 1963. Filed with Secretary of State May 21, 1963.]

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

SECTION 1. Section 3 of Chapter 848 of the Statutes of 1961 is amended to read:

Sec. 3. This act shall become operative on January 1, 1964, except for the purposes of the adoption of rules by the State Board of Education prescribing requirements for the several types of credentials provided for in this act.

SEC. 2. Section 13197 of the Education Code is amended to read:

13197. The minimum requirements for the standard designated services credential with a specialization in health shall be five (5) years, or its equivalent, of college or university education, or five (5) years of professional preparation approved by

the State Board of Education, and which education or preparation shall include each of the following:

(a) A baccalaureate or higher degree from an institution approved by the State Board of Education.

(b) Such additional requirements as may be prescribed by the State Board of Education. Such additional requirements shall be prescribed by the board on or before July 1, 1963.

The standard designated services credential with a specialization in health shall authorize the holder to perform, at all grade levels, the health service approved by the State Board of Education as designated on the credential.

SEC. 3. Section 2 of this act shall be operative on January 1, 1964, except for the purposes of the adoption of rules by the State Board of Education prescribing requirements for the standard designated service credential with a specialization in health.

SEC. 4. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The 1961 statute revising the law relating to the licensing of certificated school personnel becomes operative on July 1, 1963. This new law requires the State Board of Education to adopt new regulations prescribing certain types of educational requirements which must be met by applicants for school credentials. It also will require the many teacher education institutions in the State to revise their teacher education curriculum to meet the requirements of the new law and of the new regulations of the State Board of Education adopted pursuant to that law. However, the teacher education institutions will be unable to revise their curriculum until the rules of the State Board of Education are adopted and it will be difficult if not impossible for these institutions to make curriculum changes effective during the school year in which the regulations are published. Therefore, in order to allow adequate time for an orderly revision of the teacher education curricula of the many teacher education institutions in the State, it is necessary that this act, which postpones the operative date of the 1961 statute on credentials for six months, take effect immediately.

CHAPTER 501

An act to add Sections 1317 and 1324 to the Water Code, relating to the State Water Rights Board application procedure.

[Approved by Governor May 21, 1963. Filed with Secretary of State May 21, 1963.]

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

SECTION 1. Section 1317 is added to the Water Code, to read:

1317. The board may cancel any application for failure of the applicant to file proof of publication in accordance with this article, provided the board first gives the applicant written notice of such possible cancellation and 15 days in which to file proof of publication.

SEC. 2. Section 1324 is added to said code, to read:

1324. The board may cancel any application for failure of the applicant to file proof of posting in accordance with this article, provided the board first gives the applicant written notice of such possible cancellation and 15 days in which to file proof of posting.

CHAPTER 502

An act to add Section 8598.5 to the Water Code, relating to sale of lands by the Reclamation Board.

[Approved by Governor May 21, 1963. Filed with Secretary of State May 21, 1963.]

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

SECTION 1. Section 8598.5 is added to the Water Code, to read:

8598.5. Notwithstanding Section 6402 of the Public Resources Code, the board may sell or lease surplus real property which is held in fee by the Sacramento and San Joaquin Drainage District and which lies within a predominantly residential, industrial, or commercial area, without reserving the right to extract minerals or petroleum products through the surface of such property.

CHAPTER 503

An act to amend Section 7162 of the Fish and Game Code, relating to sport fishing licenses.

[Approved by Governor May 21, 1963. Filed with Secretary of State May 21, 1963.]

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

SECTION 1. Section 7162 of the Fish and Game Code is amended to read:

7162. Any person who is a ward of the State and who is a patient in, and resides in, a state institution or a private home certificated under Section 6726.5 of the Welfare and Institutions Code shall be issued a fishing permit, on application therefor, by the department, in lieu of a fishing license and appropriate stamps, authorizing the taking of any fish and amphibia anywhere in this State for purposes other than profit, free of charge.

Such permit shall be valid only during the period of time such person is a ward of the State and residing in the state institution or licensed family care home. Certification by the person in charge of the state institution shall be sufficient proof of the person's status as a ward and the period of time of residency in the institution or licensed family care home.

All persons while using such permit shall be accompanied by an adult person except where a representative of the Department of Mental Hygiene certifies this requirement is unnecessary in a particular case.

CHAPTER 504

An act to amend Section 25302 of the Elections Code, relating to election to judicial office.

[Approved by Governor May 21, 1963. Filed with Secretary of State May 21, 1963.]

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

SECTION 1. Section 25302 of the Elections Code is amended to read:

25302. Except in the case of a judicial office filled in accordance with Section 26 of Article VI of the Constitution, every candidate for a judicial office, whether his declaration of candidacy is made personally or by sponsors, not more than 10 nor less than 5 days prior to the first day on which his nomination papers may be circulated and signed or may be presented for filing, shall file in the office in which his nomination papers are required to be filed, a written and signed declaration of his intention to become a candidate for that office. This section shall apply to all judicial offices whether numerically designated or not.

SEC. 2. The amendment to Section 25302 of the Elections Code made by this act does not constitute a change in, but is declaratory of, the pre-existing law.

CHAPTER 505

An act to amend Section 24002 of, to repeal Sections 24003 and 24004 of, and to add Sections 24003 and 24004 to, the Water Code, relating to irrigation district improvement districts.

[Approved by Governor May 21, 1963. Filed with Secretary of State May 21, 1963.]

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

SECTION 1. Section 24002 of the Water Code is amended to read:

24002. Any landowner of an improvement district who desires at any time to lessen or remove the lien upon his land of any improvement district assessment may deliver to the district treasurer funds for cancellation of warrants or any other obligation payable out of the assessment.

SEC. 2. Section 24003 of said code is repealed.

SEC. 3. Section 24003 is added to said code, to read:

24003. Land upon which the assessment for improvement district warrants, including any interest, or for any other obligation payable out of the assessment, has been paid pursuant to Section 24002 shall not be subject to further assessments levied for the purposes of the improvement, but it shall remain liable for any assessments levied for operation and for any supplemental or additional improvement district assessments levied.

SEC 4. Section 24004 of said code is repealed.

SEC. 5. Section 24004 is added to said code, to read:

24004. The treasurer shall inform the landowner or any authorized person proposing to lessen or remove the lien of an improvement district assessment upon a piece of land of the amount of principal and interest due and to become due on warrants and the amount of any other indebtedness payable out of the improvement district assessment. Upon receipt of funds the treasurer shall take such action as is necessary to clear the specified land of all or the appropriate portion of the lien created by the improvement district assessment.

CHAPTER 506

An act to amend Section 15807 of the Revenue and Taxation Code, relating to gift tax determinations.

[Approved by Governor May 21, 1963 Filed with Secretary of State May 21, 1963.]

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

SECTION 1. Section 15807 of the Revenue and Taxation Code is amended to read:

15807. When the Controller makes an original, amended or supplemental determination for a calendar year which is prior to calendar years for which he has theretofore made final determinations, he may concurrently therewith, notwithstanding other provisions of this part, amend the determinations for the subsequent years to show the true amount of tax which would have been determined had all determinations been issued in the sequence in which the gifts were made.

CHAPTER 507

An act to amend Section 14208 of the Elections Code, relating to the hours for voting.

[Approved by Governor May 21, 1963 Filed with Secretary of State May 21, 1963.]

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

SECTION 1. Section 14208 of the Elections Code is amended to read:

14208. By resolution adopted prior to the publication of notice of an election, the election board of any city, or the board of supervisors of any county, may provide that the polls shall be opened at 7 o'clock a.m. of the day of any election, including any primary election, and be kept open until 8 o'clock p.m. of the same day, when the polls shall be closed, except as provided in Section 14436.

CHAPTER 508

An act to amend Sections 9, 17, 18, 19, and 20 of, and to amend and renumber Sections 21 and 22 of, and to add Sections 21, 21.1, 21.2, 21.3, 21.4, 21.5, 21.6, 21.7, 21.8, 21.9, 21.10, 21.11, 21.12, 21.13, 21.14, 21.15, 21.16, 21.17, 21.18, 21.19, 21.20, 21.21 and 21.22 to, the Orange County Water District Act (Chapter 924, Statutes of 1933), relating to the Orange County Water District.

[Approved by Governor May 21, 1963 Filed with Secretary of State May 21, 1963.]

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

SECTION 1. Section 9 of the Orange County Water District Act (Chapter 924, Statutes of 1933) is amended to read:

Sec. 9. The provisions of this section shall not apply to Divisions 8, 9 and 10 of said district, where the directors therefrom are appointed as provided elsewhere in this act.

Only the holders of title to land situated within said district or to assessable rights in said lands, or to improvements on said lands, shall be entitled to vote at any election for directors held under the provisions of this act, and every such holder of title shall be entitled to vote in person or by proxy as hereinafter provided in each division of said district in which any of the lands, including assessable rights therein or improvements thereon, owned by him are situated, and to cast one vote for each one hundred dollars ($100) or fraction thereof worth of land including assessable rights therein or improvements thereon, in each said division so owned by him.

The boundaries of the respective divisions, for the purpose of nomination and election of directors, as provided in this section, shall be the boundaries of said divisions as they shall exist as provided by Section 1 of this act, on the first Tuesday of December preceding the date of election.

Such ownership and value shall be determined from the last equalized assessment roll of said Orange County, and the board of supervisors of said county, prior to each election for directors held under the provisions of this act, at the expense of said district, shall cause to be prepared and certified and furnished to the board of election at each voting place, a true and correct copy of the entries upon the last equalized assessment rolls of said county, so far as such assessment rolls apply to the lands within said district, to the extent of showing the names of each owner, and the assessed value of the land owned by each in each division in said district, which said certified entries from said rolls shall be used by said boards of election in determining the number of votes each voter is entitled to cast.

Where land is owned by two or more persons, the votes shall be divided in accordance with the interests of each owner. Where land is assessed to unknown owners or anyone other than the true owner, any person producing a certificate of a title insurance or abstract company certifying the true ownership of such land at the date of the election, or at any time within five days previous thereto, accompanied by an affidavit of the person certified to be the owner that he is the owner of the property at the time of the election, said person so certified to be the owner shall be entitled to vote in like manner as if his name appeared upon the assessment rolls as above mentioned unless the owner as shown on the assessment roll has voted prior to the time such certificate and affidavit is furnished to the board of election.

Where corporations or partnerships appear as the owners of property, the votes of such owners shall be cast by any person holding a proxy from such corporation or firm. Executors, administrators, special administrators and guardians and trustees may cast the votes of the estates represented by them upon filing with the board of election a certified copy of their letters testamentary or of administration or guardianship or of appointment as trustee. No person shall vote by proxy at such election unless authority to cast such vote shall be evidenced by an instrument in writing duly acknowledged and certified in the same manner as grants of real property, and filed with the board of election.

Said election shall be conducted in accordance with the general election laws of this State so far as applicable, and except as herein otherwise provided. The election officer in delivering to each voter his ballot shall ascertain and write upon the ballot the number of votes the holder of the ballot is entitled to cast, and in canvassing the returns shall see to it that the number of votes cast does not exceed the number of

votes such voter was entitled to cast, but if there is an excess, the ballot shall not be disregarded or invalidated but only the number which the voter was entitled to cast shall be counted. The election officers shall publicly count the votes immediately after the close of the election, and forthwith make a report of the result of said election to the board of directors of said district.

SEC. 2. Section 17 of said act is amended to read:

Sec. 17. The board of directors, on or before the first meeting of the board of supervisors of said Orange County in August of each year, must furnish said board of supervisors and the auditor of said Orange County with an estimate in writing of the amount of money needed for the initiated or authorized purposes of the district for the current fiscal year, including the purchase of supplemental water for the replenishment of ground water supplies of said district and amounts necessary for the payment of the principal of and interest on any bonded debt of the district as it becomes due. This amount, less available funds on hand, shall be deemed to be sufficient to provide the necessary funds to initiate, carry on and complete any of the powers, projects, and purposes for which this district is organized, and which the board of directors shall deem advisable to be initiated or authorized for the current fiscal year other than projects and works which the board of directors shall deem advisable or necessary to finance by bonded indebtedness; to pay the estimated cost of maintenance, operation and repairs of works and projects of said district, the incidental expenses of said district, and the estimated amount necessary for the payment of the costs of any action or proceeding which may be taken or assumed by said district, including the cost of employment of attorneys and engineers; to purchase supplemental water, in addition to water purchased from replenishment funds, for the replenishment of ground water supplies of the district. In estimating the general funds needed by said district, all general funds on hand which are or will be unexpended at the end of the fiscal year, other than (1) funds allocated to the general reserve by said board of directors; (2) funds allocated to the unappropriated reserve by said board of directors, shall be considered as funds on hand.

Provided, however, that the amount of the general assessment levied during any year, excluding the amounts necessary for the payment of the principal of and interest on any bonded debt of the district, shall not exceed the following sums; Twenty cents ($0 20) for each one hundred dollars ($100), or fraction thereof, of assessable property in said district, excluding personal property, according to the last assessment rolls of Orange County, commencing with the taxable year 1961-1962, and continuing to and including the taxable year of 1964-1965; fifteen cents ($0 15) for each one hundred dollars ($100), or fraction thereof, of assessable property in said district, excluding personal property, according to the last

assessment rolls of Orange County, commencing with the taxable year 1965-1966, and continuing to and including the taxable year 1970-1971; eight cents ($0.08) for each one hundred dollars ($100), or fraction thereof, of assessable property in said district, excluding personal property, according to the last assessment rolls of Orange County, commencing with the taxable year 1971-1972, and continuing thereafter. Provided, further, however, that a tax rate in excess of eight cents ($0.08) for each one hundred dollars ($100), or fraction thereof, of assessable property in said district, excluding personal property, according to the last assessment rolls of Orange County, shall not be established unless authorized by an affirmative vote of eight of the members of the board of directors of the Orange County Water District. The general assessments provided for in this section shall in no event exceed eight cents ($0.08) for each one hundred dollars ($100), or fraction thereof, of mineral rights, where such mineral rights are assessed separately from the land. All funds derived from said general assessment in excess of those derived from eight cents ($0.08) for each one hundred dollars ($100), or fraction thereof, of assessable property in said district, as hereinabove provided, of any general assessment shall be deposited and applied to the water reserve fund and to the improvement and acquisition fund in such ratio of the amount thereof as the board of directors of the district shall determine. The amounts deposited and applied to the water reserve fund shall be used solely and exclusively for the purchase of supplemental water for the replenishment of the ground water supplies of said district. The amounts deposited and applied to the improvement and acquisition fund shall be used for the purpose of:

(a) acquiring, constructing or developing intrusion prevention projects, spreading grounds or basins, waste water reclamation and water salvage projects, canals, conduits, pipelines, wells, or other works useful or necessary for the purposes of the district and to carry out the provisions of this act; and

(b) acquiring any real or personal property or rights or privilege therein useful or necessary for the foregoing projects or works or for the purposes of the district and to carry out the provisions of this act;

provided, however, that any portion of said improvement and acquisition fund which the board of directors of the district subsequently determines is not necessary for said purposes may be used for the purchase of supplemental water for the replenishment of the ground water supply of said district. In addition to the purchase of supplemental water for the ground water supplies of said district from the water reserve fund and from the replenishment fund, the board of directors may purchase water for the replenishment of the ground water supplies of said district from the general fund upon the affirmative vote of at least eight members of the board of directors.

SEC 3. Section 18 of said act is amended to read:

Sec. 18 The board of supervisors of said Orange County at the time of the levying county taxes annually must levy a general assessment sufficient to raise the amount or amounts specified in said estimates of said directors, as herein provided. In addition thereto, said board of supervisors shall levy an assessment sufficient to meet all payments of principal and interest on any bonds of the district as provided in Section 21.22 of this act. Said board of supervisors must determine the rate of such assessments by deducting such percent, not to exceed 10 percent, as shall be determined by the board of directors of the district for anticipated delinquencies from the assessed value of the assessable real property in said district on which an assessment is to be levied, as it appears on the assessment roll of the county, and then dividing the sum or sums reported by said board of directors as required to be raised by the remainder of such total assessed value. The general assessments and the assessment for payment of bond principal and interest levied and/or collected under the terms of this act shall be levied and collected on real property including assessable rights therein and improvements thereon, but not on personal property.

SEC. 4. Section 19 of said act is amended to read:

Sec. 19. The general assessment and the assessment for payment of bond principal and interest so levied by said district shall be computed and entered on the assessment roll by the county auditor, and if the board of supervisors fail to levy the general assessment and the assessment for payment of bond principal and interest as provided in the preceding section, then the auditor must do so. Said general assessments and assessments for payment of bond principal and interest shall be collected at the same time and in the same manner as state and county taxes, and when collected, shall be paid into the treasury of said Orange County for the use of said district.

The provisions of the statutes of this State, prescribing the manner of levying, assessing, equalizing and collecting taxes, including the sale of property for delinquency, and the redemption from said sale, and the duties of the several county officers with respect thereto, are, so far as they are applicable, and not in conflict with the specific provisions of this act, hereby adopted and made a part hereof. Such officers shall be liable upon their several official bonds for the faithful discharge of the duties imposed upon them by this act.

SEC. 5. Section 20 of said act is amended to read:

Sec 20. The following funds are hereby created and established for said district to which the moneys of the district shall be deposited and applied, to wit, the general fund, the replenishment fund, the water reserve fund, the acquisition and improvement fund, the bond fund, and various improvement funds. All funds collected and received by said district from the levy of said district's replenishment assessment shall be deposited with the county treasurer and applied to the re-

plenishment fund for the use of said district. All funds collected and received by said district from the levy of the general assessment, other than those derived from the portion thereof in excess of those derived from eight cents ($0.08) for each one hundred dollars ($100), or fraction thereof, of assessable property in said district as provided in Section 17 of this act, shall be deposited and applied to the general fund. All funds collected and received by said district from the levy of assessments for the payment of the principal of and interest on the bonded debt of the district shall be deposited and applied to the bond fund. All funds collected and received by said district from the levy of the general assessment derived from that portion thereof in excess of eight cents ($0.08) for each one hundred dollars ($100), or fraction thereof, of assessable property in said district, as provided in Section 17 of this act, shall be deposited and applied to the water reserve fund and to the improvement and acquisition fund in such ratio of the amount thereof as the board of directors of the district shall determine. All other funds received by said district shall be deposited in the fund designated by the board of directors. The board of directors of said district may, from time to time, upon an affirmative vote of eight of the members of said board, transfer funds in such amounts as they deem advisable from the general fund to the water reserve fund.

SEC. 6. Section 21 of said act is amended and renumbered to read:

Sec. 20.6. For the purpose of constructing, purchasing, leasing or otherwise acquiring water, water rights, storage sites, spreading grounds, lands, canals, conduits, rights and privileges useful or necessary for the purposes of said district, and otherwise carrying out the provisions of this act, and before any such purposes or projects are instituted and carried out, the board of directors of said district shall determine whether any such purpose or project is feasible and necessary and of general benefit to the lands in the district, and shall also estimate and determine the amount of money necessary to be raised for each or any of said purposes or projects. For the purpose of ascertaining the feasibility, necessity and general benefit of any such purposes or projects and the amount of money necessary to be raised for the same or any of them, said board shall cause such engineering investigations, surveys, examinations, drawings, plans and reports to be made as shall furnish the proper basis for said purposes or projects, and said estimates of the cost thereof. Said engineering investigations, drawings, plans and reports, and the estimates based thereon may provide that the works necessary for a completed purpose or project shall be constructed progressively during a period of years. All engineering investigations, examinations, drawings, plans and reports shall be made under the direction of a competent engineer or engineers selected by the directors, and shall be certified by him or them. All data obtained by

Orange County Flood Control District and all other available engineering data may be considered in all of said engineering investigations.

SEC. 7. Section 22 of said act is amended and renumbered to read:

Sec. 20.7. If it shall appear from said engineer's report or reports that any such purpose or project is feasible and necessary and of general benefit to the lands in the district, the board of directors by resolution entered in its minutes may so find and may declare the purpose or project duly instituted.

SEC. 8. Section 21 is added to said act, to read:

Sec. 21. The district may incur indebtedness and bonds may be authorized and issued therefor for any or all of the following purposes:

(a) Acquiring, constructing or developing intrusion prevention projects, spreading grounds or basins, waste water reclamation and water salvage projects, canals, conduits, pipelines, wells, or other works useful or necessary for the purposes of the district and to carry out the provisions of this act; and

(b) Acquiring any real or personal property or rights or privilege therein useful or necessary for the foregoing projects or works or for the purposes of the district and to carry out the provisions of this act.

SEC. 9. Section 21.1 is added to said act, to read:

Sec. 21.1 The bonded indebtedness of the district outstanding at any one time shall not in the aggregate exceed five percent (5%) of the assessed value of all assessable real property, including assessable rights therein and improvements thereon, within the district as shown on the last equalized assessment roll of Orange County.

SEC. 10. Section 21.2 is added to said act, to read:

Sec. 21.2. Proceedings are initiated when the board of directors of the district passes a resolution by a vote of a majority of its members determining that any such purpose or project is feasible and of necessity and of general benefit to the real property in the district. Said resolution may be combined with the resolution calling the election.

SEC. 11. Section 21.3 is added to said act, to read:

Sec. 21.3 By a vote of a majority of its members, the board of directors may pass a resolution ordering the submission of the proposition of incurring a bonded debt for the purposes set forth in said resolution to the qualified voters of the district at an election called for that purpose. More than one proposition of incurring bonded debt may be submitted at the same election. Any proposition may include one or more of the authorized purposes. The resolution shall recite:

(a) The objects and purposes of incurring the indebtedness;

(b) The amount of the principal of the indebtedness;

(c) The rate of maximum rate of interest on the indebtedness which shall not exceed six percent (6%) per annum. Said interest shall be payable semiannually except that the first interest payable on the bonds or any series thereof may be for

any period not exceeding one year, as determined by the board of directors at the time of sale;

(d) The date of the election;

(e) The manner of holding the election and the procedure for voting for or against the proposition.

SEC. 12. Section 21.4 is added to said act, to read:

Sec. 21.4. The resolution calling the election shall be published once a day for at least seven days in a newspaper published at least six days a week in the district. No other notice of the election need be given.

SEC. 13. Section 21.5 is added to said act, to read:

Sec. 21.5. If such election is consolidated, in whole or in part, with any other election of the district or with a state or county election, the precincts, polling places and election officers within the area affected by the consolidation shall be the same as provided for such other election of the district or such state or county election, and it shall be sufficient if the resolution so states.

SEC. 14. Section 21.6 is added to said act, to read:

Sec. 21.6. Anything in this act to the contrary notwithstanding, the election held for the purpose of authorizing the district to incur a bonded indebtedness shall be an election by the voters within the meaning of the Elections Code, residing within the district. No person shall vote at any such election who is not a voter within the meaning of the Elections Code, residing in the district. For the purpose of registering voters who shall be entitled to vote at such elections, the county clerk or registrar of voters is authorized to indicate upon the Affidavit of Registration whether the voter is a voter of the district. Except as otherwise provided in the resolution calling the election and except as in this act otherwise provided, the election shall be conducted as nearly as practicable in accordance with the general election laws of the State of California.

SEC. 15. Section 21.7 is added to said act, to read:

Sec. 21.7. The returns of the election shall be made to and canvassed by the board of directors of the district within seven (7) days following said election. As soon as possible thereafter, the board of directors shall adopt a resolution declaring and setting forth the results thereof. If two-thirds (⅔) of the votes cast on any proposition are for the proposition, the bonds may be issued.

SEC. 16. Section 21.8 is added to said act, to read:

Sec. 21.8. If any proposition is defeated by the voters, the board of directors shall not call another election on a substantially similar proposition to be held within six months after the prior election.

SEC. 17. Section 21.9 is added to said act, to read:

Sec. 21.9 The board of directors shall prescribe the form of the bonds and interest coupons, and fix the date of the bonds.

SEC. 18. Section 21.10 is added to said act, to read:

Sec. 21.10. The board of directors may divide the principal amount of any issue into two or more series and fix different dates for the bonds of each series. The bonds of one series may be made payable at different times from those of any other series.

SEC. 19. Section 21.11 is added to said act, to read:

Sec. 21.11. A bond shall be payable at the time, in the manner, and at the place or places fixed by the board of directors and designated in the bond. The maturity date of a bond need not be an anniversary of its date. The final maturity date of any issue of bonds, or any series thereof shall not exceed forty (40) years from the date of such bonds, or the date of such series thereof.

SEC. 20. Section 21.12 is added to said act, to read:

Sec. 21.12. An action to determine the validity of the bonds may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

SEC. 21. Section 21.13 is added to said act, to read:

Sec. 21.13. The board of directors may provide for the redemption of any bond before maturity at such time or times and at such price or prices determined by it. A bond shall not be subject to call or redemption prior to maturity unless it contains a recital to that effect, or unless a statement to that effect is printed thereon.

SEC. 22 Section 21.14 is added to said act, to read:

Sec. 21.14. The bonds shall be issued in such denomination or denominations as the board of directors may prescribe.

SEC. 23. Section 21.15 is added to said act, to read:

Sec. 21.15. The bonds shall be signed by the president and the secretary, or the assistant secretary, of the district. The bond coupons shall be numbered consecutively and signed by the secretary or the assistant secretary of the district. All signatures may be printed, lithographed, or engraved except that one of the signatures on the bond shall be manually affixed. If any officer whose signature appears on bonds or coupons ceases to be such officer before delivery of the bonds, his signature is as effective as if he had remained in office.

SEC. 24. Section 21.16 is added to said act, to read:

Sec 21 16 The bonds may be issued and sold as the board of directors determines, but for not less than par. Before selling the bonds, or any part thereof, the board of directors shall give notice inviting sealed bids in such manner as the board of directors may prescribe. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder. If no bids are received, or if the board of directors determines that the bids received are not satisfactory as to price or responsibility of the bidders, the board of directors may reject all bids received, if any, and either readvertise or sell the bonds at private sale.

SEC. 25. Section 21.17 is added to said act, to read:

Sec. 21.17. The bonds authorized herein shall be legal investments for all trust funds and for the funds of all insurance companies, and for the state school funds and whenever any money or funds by law now or hereafter enacted may be invested in bonds of cities, cities and counties, counties, school districts, or municipalities in the State of California, said money or funds may be invested in said bonds issued in accordance with the provisions of this act and whenever bonds of cities, cities and counties, counties, school districts, or municipalities by any law now or hereafter enacted may be used as security for the performance of any act, said bonds of said district may be so used. All bonds issued under the provisions of this act are hereby given the same force, value and use as bonds issued by any municipality in this State and shall be free and exempt from all taxation within the State of California.

SEC. 26. Section 21.18 is added to said act, to read:

Sec. 21.18. All premiums and accrued interest received shall be placed in the bond fund to be used for the payment of principal of and interest on the bonds, and the remainder of the proceeds of the bonds shall be deposited to the credit of the proper improvement fund and applied exclusively to the purpose and object recited in the bond proposition; provided, however, that when said purpose and object has been accomplished, any moneys remaining in such improvement fund shall be transferred to the bond fund to be used for the payment of principal of and interest on the bonds, and provided, further, when such purpose and object have been accomplished and all principal and interest on the bonds have been paid, any balance of money then remaining shall be transferred to the General Fund; and provided, further that the proceeds of the bonds may be used to pay the costs of the bond election, legal or other fees in connection with the authorization, issuance and sale of the bonds, and the costs of printing the bonds and other costs and expenses connected with the issuance and sale of the bonds.

SEC. 27. Section 21.19 is added to said act, to read:

Sec. 21.19. Delivery of any bonds may be made at any place either inside or outside the State, and the purchase price may be received in cash, certified or cashier's checks, or bank credits, including credits in the form of certified Federal Reserve Bank funds.

SEC. 28. Section 21.20 is added to said act, to read:

Sec. 21.20. After three years after a bond election the board of directors may determine, by resolution adopted by a two-thirds vote of all of its members, that all or any part of the bonds remaining unsold shall not be issued or sold. The bonds described in the resolution shall upon such adoption become void.

SEC. 29. Section 21 21 is added to said act, to read:

Sec. 21.21. When the board of directors determines by resolution that the expenditure of moneys raised by the sale

of bonds for the purpose for which the bonds were voted is unpracticable or unwise, it may call an election to obtain the consent of the voters to use the money for some other specified district purpose. The procedure, so far as applicable, shall be the same as when a bond proposition is originally submitted.

SEC. 30. Section 21.22 is added to said act, to read:

Sec. 21.22. The board of supervisors of the County of Orange shall, at the time prescribed for the levy of a general assessment as provided in Section 18 of this act, levy and collect annually each year until the bonds are paid or until there is a sum in the bond fund of the district sufficient to meet all payments of principal and interest on the bonds as they become due, an assessment sufficient to pay the interest on the bonds as it falls due and such part of the principal as will become due before the proceeds of an assessment levied at the next assessment levy will be available. Said assessment shall be levied, enforced, and collected upon the same property and in the same manner as the general assessment as provided in this act and shall be in addition to all other taxes and assessments. The limitations upon assessments stated in Section 17 or elsewhere in this act shall not apply to the assessments required to be levied by this section. So long as any bonds of the district or interest thereon remain unpaid, the proceeds of an assessment levied under this section shall be used only for the payment of such bonds and the interest thereon.

CHAPTER 509

An act to amend Section 36510 of the Government Code, relating to city officers.

[Approved by Governor May 21, 1963. Filed with Secretary of State May 21, 1963.]

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

SECTION 1. Section 36510 of the Government Code is amended to read:

36510. If a majority of the votes cast on the proposition is for it, the city council shall appoint such officers at the expiration of the terms of the officers then in office, and on a vacancy in any such office. Such officers shall hold office during the pleasure of the city council and, notwithstanding Section 36502 to the contrary, are not required to be residents or electors in the city. The city council may by ordinance vest in the city manager its authority to appoint such officers

CHAPTER 510

An act to amend Sections 1503, 2020, 2220, 2611, 3005, 3040, 3080.01, 3084, 3472, 3473, 4000, 4020, 4160, 4701, 4722, and 4753 of, to add Sections 443, 462, 1500, 1500.1, 1500.2, 1500.3, 1500.4, 1500.6, 1503.1, 1523.7, 1523.8, 1523.9, 1550.2, 1552.4, 2500.1, 2600.5, 3013, 3045.1, 3084.2, 3084.6, 3086, 4001, 4012, 4020.1, 4183, 4706, 4707, 4720.5, 4722.1, 4731.5, 4735, 4737, and 4753.1 to, to add Chapter 5.6 (commencing with Section 449) to Division 1 of, and to repeal Section 3084.05 as added by Assembly Bill 116 of 1963, and to repeal Sections 1500, 1509.6, 1550, 1550.5, 2020.05, 2180, 2180.1, 2180.5, 2180.6, 2180.7, 2183.9, 3041, 3043, 3081, 3082, 3082.2, 3084.3, 3431.1, 3432, 4001, 4002, 4180, 4181, 4182, 4600, and 4735 of, the Welfare and Institutions Code, relating to public assistance, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 21, 1963. Filed with Secretary of State May 21, 1963.]

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

SECTION 1. Section 443 is added to the Welfare and Institutions Code, to read:

443. In order that recipients of public assistance may become self-supporting and productive members of their communities, it is essential that they be permitted to earn money without a proportionate deduction in their aid grants. It is the intention of the Legislature to promote this objective to the extent possible within the limitations imposed by federal law, and the State Social Welfare Board, in implementing public assistance laws, is directed to do so in the light of this objective.

In determining the income of a recipient, the following requirements shall be observed:

(a) To the extent permitted by federal law, earned income of a recipient of aid under any public assistance program for which federal funds are available shall not be considered income or resources of the recipient, and shall not be deducted from the amount of aid to which the recipient would otherwise be entitled.

(b) In computing the amount of income determined to be available to support a recipient, the value of currently used resources shall be included but the value of casual income and inconsequential resources shall be excluded.

SEC. 1.5. Chapter 5.6 (commencing with Section 449) is added to Division 1 of said code, to read:

CHAPTER 5.6. APPLICATION FOR PUBLIC SOCIAL SERVICES

449. Except as provided in Sections 1557 and 4740 of this code, applications for public social services or public assist-

ance, as defined by Section 425, by any person, or in behalf of any person, shall be made to the county department in the county in which the applicant is living. The application may be made in writing or reduced to writing upon the standard form prescribed in regulations of the department and a copy shall be furnished to each applicant at the time of the application.

449.1. Whenever a former recipient of aid requests restoration of aid before the expiration of one year from the effective date of a cancellation or a discontinuance and if it is determined that he is eligible for such aid it shall be granted to him without the necessity for a new application. Such person shall, however, be required to file a new affirmation of eligibility as required by Section 449.4.

449.2. Application for aid may be made within 60 days prior to the date on which the applicant meets the technical requirements for such aid which have to do with factors other than need.

Application made on behalf of a child deprived of parental support because of separation or desertion may be made within 60 days prior to the date on which he will become eligible.

The application shall be promptly investigated and acted upon but in no event shall the aid, if granted, begin as of a date prior to the date on which he meets such requirements.

449.3. When a recipient or former recipient of public assistance moves from one county to another the determination of the existence of particular conditions of eligibility made by the former county shall be binding on subsequent counties provided that the determination was made within the sound exercise of discretion by, and that no fraud was practiced on, the former county and that there has not been a material change in circumstances

449.4. Each applicant shall be required before approval of assistance or services to file an affirmation setting forth his belief that he meets the specific conditions of eligibility. Such statements shall be on forms prescribed by the department and, in the case of applicants for aid under the provisions of Chapter 1 (commencing with Section 1500) of Part 2 of Division 2, shall contain a written declaration that the affirmation is made under penalty of perjury. Any person signing a statement containing such declaration who willfully and knowingly with intent to deceive states as true any material matter which he knows to be false is subject to the penalty prescribed for perjury in the Penal Code. A copy of the affirmation shall be furnished to the applicant at the time he files it.

A county department may also require like statements to be completed prior to approving restoration of aid as provided by Section 449.1 and may require new statements at any time for purposes of continuing assistance.

449.5. The county shall promptly investigate all applications for public assistance as prescribed by the regulations of the department.

449.6. If the applicant is determined to be eligible, aid shall be granted from the first day of the month following the date of application, or from the first day of the month following the date on which he becomes eligible if found to be later than the date of application, or upon an earlier date if determined by and in connection with a petition for a fair hearing; provided, however, that nothing contained herein shall be construed to prevent a county welfare department from making aid effective under Chapter 1 (commencing with Section 1500) of Part 2 of Division 2 as soon as eligibility is determined, if such date is earlier than that specified herein.

The county at the time of receiving an application for public assistance shall determine whether the applicant needs immediate assistance. If it appears that the applicant is eligible for public assistance and a signed affirmation is on file to this effect aid shall be granted immediately. If subsequent investigation establishes ineligibility then the cost of such assistance shall be shared by the State and county in accordance with the applicable sharing ratio after federal contributions are deducted.

SEC. 1.6. Section 1500 of said code is repealed.

SEC. 1.7. Section 1500 is added to said code, to read:

1500. Aid, services, or both, shall be granted under the provisions of this chapter, and subject to the regulations of the state department, to families with related children under the age of 18 years, in need thereof because they have been deprived of parental support or care due to:

(a) The death, physical or mental incapacity, or incarceration of a parent; or

(b) The divorce, separation or desertion of his parent or parents and resultant continued absence of a parent from the home for these or other reasons; or

(c) The unemployment of his parent or parents.

SEC. 1.8. Section 1500.1 is added to said code, to read:

1500.1. Aid and services shall also be provided under this chapter to or in behalf of any child under the age of 18 who is in need and lacks parental support and care and who:

(a) Has been relinquished, for purposes of adoption, to a county adoption agency or an organization licensed by the department as an adoption agency, if such child was receiving assistance under this chapter at the time of relinquishment, or subsequent to relinquishment has been found to be unplaceable for adoption; or

(b) Lacks parental support for the same reasons set out in Section 1500, is in need of aid as well as protection or care by persons other than his parents, and has been placed in foster care for purposes of providing such care and protection.

For purposes of this chapter, "foster care" means care other than in the home of his parent or relative, as these terms are used in Title IV of the Federal Social Security Act.

SEC. 1.9. Section 1500.2 is added to said code, to read:

1500.2. Aid may not be granted under the provisions of this chapter to or in behalf of any child over the age of 16 unless:

(a) He is regularly attending school, or a training program, or

(b) He is physically or mentally disabled, or

(c) He is employed and contributing to the family, or applying his earnings to a plan approved by the county department for his further education or preparation for future employment.

SEC. 1.10. Section 1500.3 is added to said code, to read:

1500.3. Aid may not be granted under the provisions of this chapter to or in behalf of persons whose need and deprivation are due to parental separation or desertion which has endured for less than three months.

SEC. 1.11. Section 1500.4 is added to said code, to read:

1500.4. For the purposes of this chapter, "unemployed parent" means a natural parent, adoptive parent, or stepparent with whom the child is living, and who:

(a) Is not working but is available for and seeking employment or, as a result of unemployment, has been accepted for or is participating in a training project essential to future self-support, or

(b) Is employed only part time as determined in accordance with such standards as may be developed by the State Department of Social Welfare in its rules and regulations, which standards shall be consistent with federal law and regulations governing the payment of federal funds to this State under the Social Security Act and consistent with other provisions of this chapter.

SEC. 1.12. Section 1500.6 is added to said code, to read:

1500.6. As used in this chapter, the term "needy child" means a child living in a family as described in Section 1500, or a child as described in Section 1500.1.

SEC. 1.13. Section 1503 of said code is amended to read:

1503. It is the object and purpose of this chapter to provide aid for children whose dependency is caused by circumstances defined in Sections 1500 and 1500.1 and to keep children in their own homes wherever possible and to provide the best substitute for their own homes for those children who must be given foster care.

Those engaged in the administration of aid under this chapter are responsible to the community for its effective, humane, and economical administration.

It is the intent of the Legislature that the employment and self-maintenance of parents of needy children be encouraged to the maximum extent and that this chapter shall be administered in such a way that needy children and their parents will be encouraged and inspired to assist in their own main-

tenance. The State Department of Social Welfare shall take all steps necessary to implement this section.

For the purposes of this chapter the value of supplies, equipment, tools of the trade, motor vehicles within reasonable values established by the department when used for work or to seek work, and other personal property directly connected with efforts to become self-supporting, which are a part of a program to assist in maintenance and self-support shall not be considered as personal property as established by Section 1521.

SEC. 1.14 Section 1509.6 of said code is repealed.

SEC. 1.15. Section 1503.1 is added to said code, to read:

1503.1. The provision of useful work experience and constructive vocational training for unemployed recipients is a matter of statewide concern.

Insofar as practical each county department shall establish a community work experience and vocational training program for unemployed persons and others for whom such experience and training is deemed desirable as part of a plan to help them become self-supporting.

Such programs shall be conducted in accordance with standards and regulations established by the Department of Social Welfare as desirable and necessary to qualify for such federal funds as are available.

The cost of materials, equipment and supervision provided by agencies co-operating with the county department in community work experience and training programs shall not be charged as an administrative expense under this chapter or with respect to other public assistance programs.

Work projects developed under this section shall be confined to projects which serve a useful public purpose, do not result either in displacement of regular workers or in the performance of work that would otherwise be performed by employees of public or private agencies, institutions, or organizations, and (except in cases of projects which involve emergencies or which are generally of a nonrecurring nature) are of a type which has not normally been undertaken in the past by the State or community, as the case may be.

All public entities, including state agencies, are authorized to co-operate and participate with the county department in the establishment of community work experience and training projects.

SEC. 1.16. Section 1523.7 is added to said code, to read:

1523.7 Aid shall be denied to an unemployed parent and his family if it is determined by the county welfare department, in accordance with regulations of the State Department of Social Welfare, that:

(a) He fails to seek and to keep himself currently available for employment as required by standards set by the department, or

(b) He refuses without good cause to accept part-time, full-time, temporary or permanent employment without reference

to his customary occupation or skill. Good cause for refusal of employment shall be deemed to exist, when:

(1) The offer of employment is not for a specific job at a stated wage comparable to the prevailing wage for that type of employment in the community, or

(2) The job is available because of a bona fide labor dispute, the existence of which has been established by the State Department of Employment, or

(3) The job is not within the physical or mental capacity of the person, as established, when necessary, by competent professional authority, or

(4) Acceptance would be an unreasonable act because of hardships imposed upon the person or his family due to illness or remoteness; interruption of a program in process for permanent rehabilitation or self-support; or conflicting with an imminent likelihood of re-employment at his regular work.

SEC. 1.17 Section 1523.8 is added to said code, to read:

1523.8. The State Department of Employment shall report immediately to the county welfare department whenever an unemployed parent willfully fails or refuses to comply with the provisions of Section 1523.7.

SEC. 1.18. Section 1523 9 is added to said code, to read:

1523.9. An unemployed parent shall be denied aid for himself and his family if without good cause:

(a) He refuses to accept assignment to a community work or training project, or

(b) He willfully fails to report to an assigned community work or training project.

SEC. 2. Section 1550 of said code is repealed.

SEC. 2.1. Section 1550.2 is added to said code, to read:

1550.2 When aid is granted under this chapter to an unemployed parent and his family, whenever practical or feasible such parent or other employable family member shall be assigned to a community work or training project established and conducted under the provisions of Section 1503.1 of this code.

SEC. 3. Section 1550.5 of said code is repealed.

SEC. 3 1. Section 1552.4 is added to said code, to read:

1552.4. Payments made under this chapter shall be issued at periods most nearly consistent with prevailing patterns for wages in local industry.

SEC. 3.5. Section 2020 of said code is amended to read:

2020. Amount of Aid Allowed. Any applicant shall be entitled to an amount of aid which, when added to the income of the applicant, equals one hundred five dollars ($105) per month plus any adjustment reflecting cost of living changes subsequent to January 1, 1962.

The amount of the grant as set forth in this section and Section 2020.002 shall be adjusted annually by the State Social Welfare Board to reflect any increases or decreases in cost of living occurring after January 1, 1962 The average of the separate indices of the cost of living for Los Angeles and San

Francisco, as published by the United States Bureau of Labor Statistics shall be used as the basis for determining the changes in the cost of living. Whenever the cost of living increases or decreases by a percentage which when multiplied by one hundred dollars ($100) results in a product of one dollar ($1) or more, this product adjusted to the nearer dollar amount shall be added to or subtracted from the monetary amount specified in the preceding paragraph and to the corresponding figure specified in Section 2020.002. The resultant sum shall be declared by formal action of the State Social Welfare Board to be the monthly grants payable under this section and Section 2020.002, respectively. In giving effect to the cost of living feature of this section the State Social Welfare Board shall select a base month for computation of the percentage change in the cost of living after January 1, 1962. The same month shall be used annually thereafter. The ordered change in the maximum grant shall become effective on the first day of the month following the expiration of a ninety (90) day period following the date of the formal action of the board directing the change.

In any case where it is found that the need of an applicant exceeds the maximum provided by this section an additional amount of aid shall be paid as provided by Section 2020.002 of this chapter.

SEC. 3.6. Section 2020.05 of said code is repealed.

SEC. 4. Section 462 is added to said code, to read:

462. The cost of hospitalization furnished by a county to a recipient on or after the effective date of this section, and any judgment obtained by a county against the recipient to obtain repayment of such costs, shall not constitute a lien against the real property of such recipient, and no lien shall be taken therefor.

SEC. 5. Section 2180 of said code is repealed.

SEC. 6. Section 2180.1 of said code is repealed.

SEC. 7. Section 2180.5 of said code is repealed.

SEC. 8. Section 2180.6 of said code is repealed.

SEC. 9. Section 2180.7 of said code is repealed.

SEC. 9.5. Section 2183.9 of said code is repealed.

SEC. 10. Section 2220 of said code is amended to read:

2220. The board of supervisors may for cause, and upon instructions so to do by the State Department of Social Welfare, shall cancel, suspend, or revoke aid. Upon request of the department, an immediate report of every suspension shall be made to the State Department of Social Welfare stating the reason for the suspension and showing the action of the board of supervisors in approving the suspension.

Eligibility for medical assistance for the aged under Chapter 1 (commencing with Section 4700) of Part 4 of Division 5 does not constitute cause for retroactive cancellation, suspension, or revocation of aid.

SEC. 10.5. Section 2500.1 is added to said code, to read:

2500.1. Every county shall grant assistance under this chapter, as provided by Section 4737 of this code, to any person who is discharged from a hospital or nursing home under the following conditions:

(a) He was a beneficiary of assistance under the provisions of Chapter 1 (commencing with Section 4700) of Part 3 of Division 5 of this code; and

(b) He meets the eligibility qualifications for aid under Chapter 1 (commencing with Section 2000) of Division 3 of this code; and

(c) He has insufficient income to maintain himself until old age assistance is granted to him.

General assistance paid pursuant to this section shall be in the amount determined by the standard of assistance for a recipient of old age assistance.

SEC. 11. Section 2600.5 is added to said code, to read:

2600.5. The policies established under Section 2600 shall not deny needed care in a county hospital, or contract hospital as defined in Section 4701 of this code, to any person who meets the eligibility requirements for medical assistance for the aged under the provisions of Chapter 1 (commencing with Section 4700) of Part 4 of Division 5, and shall not require the application of any property of such a person to his support or the taking of any lien upon that property.

SEC. 11.5. Section 2611 of said code is amended to read:

2611. There shall be exempt from the transfers and grants authorized by Section 2601 and from attachment and execution on claims under Section 2603 against property acquired by persons for the support of whom public moneys have been expended all of the following property:

(a) Cash to the amount of fifty dollars ($50).

(b) Personal effects and household furniture to the value of five hundred dollars ($500).

(c) An interment space, crypt, or niche intended for the interment of the applicant or recipient of aid.

(d) Funds placed in trust for funeral or burial expenses to the extent that such funds do not exceed the sum of five hundred dollars ($500).

(e) Insurance policies having an actual cash surrender value of not to exceed five hundred dollars ($500).

(f) Real or personal property of a recipient of public assistance, as defined in Section 452 of this code, with respect to aid or county hospital care granted after the effective date of this subdivision.

No county shall withhold emergency medical or hospital care from any person pending his giving security for reimbursement to the county for the care or hospitalization to be provided to him.

SEC. 11.6. Section 3005 of said code is amended to read:

3005. As used in this chapter, "blind person" means any person who by reason of loss or impairment of eyesight is

unable to provide himself with the necessities of life and who has not sufficient income of his own to maintain himself as further set forth in Section 3084 and Section 3084.01 of this code.

SEC. 11.7. Section 3013 is added to said code, to read:

3013. Any recipient of aid under this chapter or Chapter 3 (commencing with Section 3400) of this part who is ineligible, by reason of age, for assistance under Chapter 1 (commencing with Section 4700) of Part 4 of this division shall be entitled to the same inpatient benefits as are provided for persons under Chapter 1 (commencing with Section 4700) of Part 4 of this division, which shall be provided to the recipient under the provisions of Chapter 1 (commencing with Section 4500) of Part 3 of this division.

SEC. 11.8. Section 3040 of said code is amended to read:

3040. No person is entitled to aid under the provisions of this chapter or Chapter 3 (commencing with Section 3400) of this part, unless he is at least 16 years of age and is a resident of the State. No period of residence in this State is required.

SEC. 11.9. Section 3041 of said code is repealed.

SEC. 11.11. Section 3043 of said code is repealed.

SEC. 12. Section 3045.1 is added to said code, to read:

3045.1. Notwithstanding any other provisions of this code, persons receiving or applying for aid under Chapter 3 (commencing with Section 3400) of this part but eligible under this chapter and the provisions of Section 3084.6 may instead be granted aid under this chapter without the necessity of filing a new application and be restored to aid under Chapter 3 (commencing with Section 3400) at the end of 12 months or such other period as may be authorized by federal law or regulations.

An otherwise eligible applicant for aid under Chapter 3 (commencing with Section 3400) of this part may continue to be granted aid under this chapter up to a period of 12 months or such other period as may be authorized by federal law or regulations.

SEC. 12.5. Section 3080.01 of said code is amended to read:

3080.01. Lump sum income received by a recipient which has accrued over a period of two or more months and may be expected to be repeated in the future shall be utilized by the recipient to meet his needs. No portion thereof shall be considered as personal property. Provisions of this section shall not apply to earned income which is exempt under Section 443.

SEC. 13. Section 3081 of said code is repealed.

SEC. 14. Section 3082 of said code is repealed.

SEC. 15. Section 3082.2 of said code is repealed.

SEC. 15.1. Section 3084 of said code is amended to read:

3084. Any applicant shall be entitled to an amount of aid which, when added to the income of the applicant from all other sources, equals one hundred twenty dollars ($120) per month plus any adjustment reflecting cost of living changes subsequent to January 1, 1960.

The amount of the grant as set forth in this section and Section 3084.01 shall be adjusted annually by the State Social Welfare Board to reflect any increases or decreases in the cost of living occurring after January 1, 1960. The average of the separate indices of cost of living for Los Angeles and San Francisco, as published by the United States Bureau of Labor Statistics, shall be used as the basis for determining the changes in the cost of living. Whenever the cost of living increases or decreases by a percentage which when multiplied by one hundred fifteen dollars ($115) results in a product of one dollar ($1) or more, this product adjusted to the nearer dollar amount shall be added to or subtracted from the monetary amount specified in the preceding paragraph and to the corresponding figure specified in Section 3084.01. The resultant sum shall be declared by formal action of the State Social Welfare Board to be the monthly grants payable under this section and Section 3084.01, respectively. In giving effect to the cost of living feature of this section the State Social Welfare Board shall select a base month for computation of the percentage change in the cost of living since January 1, 1960. The same month shall be used annually thereafter. The ordered change in maximum grant shall become effective on the first day of the month following the expiration of a ninety (90) day period following the date of the formal action of the board directing the change.

In any case where it is found that the need of an applicant exceeds the maximum provided by this section an additional amount of aid shall be paid as provided by Section 3084.01 of this code.

The State Department of Social Welfare may provide by rule that any change in grant for an amount of two dollars ($2) or less may be delayed for not more than two months beyond the month in which the recipient reported the change in circumstances.

SEC. 15.2. Section 3084.05 of said code, as added by Assembly Bill 116 of 1963, is repealed.

SEC. 15.3. Section 3084.2 is added to said code, to read:

3084.2. If the physical condition of a recipient of aid under this chapter or Chapter 3 (commencing with Section 3400) of this part is such that he requires the services of a full-time or part-time attendant or other special services, he shall be entitled to an additional grant in an amount sufficient to enable him to pay for those services, but not to exceed three hundred dollars ($300) in any month. The grant payable to a recipient under this section shall not be considered in computing the grant payable to the recipient under Sections 3084, 3084.01, 3472, and 3472.01 of this code, and shall not be subject to the monetary limitations set forth in those sections.

SEC. 15.4. Section 3084.3 of said code is repealed.

SEC. 15.5. Section 3086 is added to said code, to read:

3086. The occupancy value of a home owned and occupied by a recipient of aid under this chapter or Chapter 3 (com-

mencing with Section 3400) of this part shall not be considered income or resources of the recipient, and shall not be deducted from the amount of aid to which the recipient would otherwise be entitled.

SEC. 16. Section 3084.6 is added to said code, to read:

3084.6. Notwithstanding any other provisions of this chapter or of Chapter 3 (commencing with Section 3400) of Part 1 of Division 5 of this code, any recipient who has a plan for achieving self-support may retain, beginning July 1, 1963, such additional amounts of other income and resources as may be necessary for the fulfillment of such plan for a period not to exceed 12 months or such other period as may be authorized by federal law or regulations.

SEC 16.1. Section 3431.1 of said code is repealed.

SEC. 16.2. Section 3432 of said code is repealed.

SEC. 17. Section 3472 of said code is amended to read:

3472. Any applicant shall be entitled to an amount of aid which, when added to the income of the applicant from all other sources, equals one hundred twenty dollars ($120) per month.

The amount of the grant as set forth in this section and Section 3472.01 shall be adjusted annually by the State Social Welfare Board to reflect any increases or decreases in the cost of living occurring after January 1, 1960. The average of the separate indices of cost of living for Los Angeles and San Francisco, as published by the United States Bureau of Labor Statistics, shall be used as the basis for determining the changes in the cost of living. Whenever the cost of living increases or decreases by a percentage which when multiplied by one hundred fifteen dollars ($115) results in a product of one dollar ($1) or more, this product adjusted to the nearer dollar amount shall be added to or subtracted from the monetary amount specified in the preceding paragraph and to the corresponding figure specified in Section 3472.01. The resultant sum shall be declared by formal action of the State Social Welfare Board to be the monthly grants payable under this section and Section 3472.01, respectively. In giving effect to the cost of living feature of this section the State Social Welfare Board shall select a base month for computation of the percentage change in the cost of living since January 1, 1960. The same month shall be used annually thereafter. The ordered change in maximum grant shall become effective on the first day of the month following the expiration of a ninety (90) day period following the date of the formal action of the board directing the change.

In any case where it is found that the need of an applicant exceeds the maximum provided by this section an additional amount of aid shall be paid as provided by Section 3472.01 of this code.

Annual net income from any of the following sources of a combined total value not exceeding one thousand five hundred dollars ($1,500) increased by one-half of that part of the recip-

ient's annual income which is in excess of one thousand five hundred dollars ($1,500) shall not be considered for any purpose:

(a) Income from applicant's labor or services;

(b) The value of foodstuffs produced by the applicant or his family for his use or that of his family;

(c) The value of firewood and/or water produced on the premises of the applicant or given to him by another for the applicant's use;

(d) The value of gifts;

(e) The value of the use and occupancy of premises owned and occupied by the applicant,

(f) The net income from real and personal property owned by the applicant.

Income in addition to the above specified shall be computed on the basis of net income. For the purpose of enabling and encouraging a greater number of recipients of aid under this chapter to become self-supporting, all expenditures incurred by an applicant for or a recipient of aid under this chapter in effecting his plan to become self-supporting, including payments made for the purchase of material for fixtures and equipment needed by him in effecting such plan, shall be deducted from gross income in computing his net income for purposes of this chapter; provided, such payments shall not be more than one hundred dollars ($100) per month.

SEC 18. Section 3473 of said code is amended to read:

3473. An applicant for aid under this chapter shall in addition prove that he is able to secure and willing to use resources and income he is permitted to retain under this chapter, for the purposes of achieving self-support.

The county shall determine whether the applicant has the qualifications necessary for aid under this chapter and may, despite his application, deny him aid under this chapter, and, if eligible, thereunder, grant him aid to the needy blind under Chapter 1 of this part.

SEC. 19. Section 4000 of said code is amended to read:

4000 When used in this chapter, the following words shall have the meanings ascribed to them in this section:

(a) "Needy disabled person" means a person who meets the eligibility requirements set forth in this chapter and who is both permanently impaired and totally disabled

(b) "Permanently impaired" means that the individual has a major physical or a major mental impairment or a combination of both which is verified by medical findings and appears reasonably certain to continue throughout the lifetime of the individual without substantial improvement.

(c) "Totally disabled" means that the impairment substantially precludes the individual from engaging in useful occupations within his competence, such as holding a job or homemaking. Employment in a sheltered workshop or under an approved vocational rehabilitation plan shall not be considered a "useful occupation" for purposes of this chapter.

SEC. 20. Section 4001 of said code is repealed.

SEC. 21. Section 4001 is added to said code, to read:

4001. It is the object and purpose of this chapter to provide persons whose dependency results from disability defined by Section 4000 with assistance and services which will encourage them to make greater efforts to achieve self-care and self-support and to enlarge their opportunities for independence.

In supervising the administration of this chapter the department shall encourage the rehabilitation or employment of the recipient if it appears that with proper care and training such person may become more self-sufficient.

The department and the State Department of Education shall jointly develop plans for the orderly processing of cases referred to the Vocational Rehabilitation Service for a determination of feasibility and planning for vocational rehabilitation.

The department and the State Department of Employment shall jointly develop plans for the orderly processing of cases referred to the Department of Employment.

The policy shall be followed of granting aid to the recipient in his own home or in some other suitable home of his own choosing, in preference to placing him in an institution.

SEC. 22. Section 4002 of said code is repealed.

SEC. 23. Section 4012 is added to said code, to read:

4012. The provision of useful work experience and constructive training for disabled recipients is a matter of statewide concern. Insofar as practical each county department shall establish a community work experience and vocational training program for disabled persons for whom such experience and training is deemed desirable as part of a self-help plan.

Such programs shall be conducted in accordance with standards and regulations established by the Department of Social Welfare as desirable and necessary to qualify for such federal funds as are available.

The cost of materials, equipment and supervision provided by agencies co-operating with the county department in community work experience and training programs shall not be charged as an administrative expense under this chapter or with respect to other public assistance programs

Projects developed under this section shall be confined to projects which serve a useful public purpose, do not result either in displacement of regular workers or in the performance of work that would otherwise be performed by employees of public or private agencies, institutions, or organizations, and (except in cases of projects which involve emergencies or which are generally of a nonrecurring nature) are of a type which has not normally been undertaken in the past by the State or community, as the case may be.

SEC. 24. Section 4020 of said code is amended to read:

4020. For needy disabled persons qualifying for aid under the provisions of this chapter there shall be paid an amount equivalent to the actual needs of the recipient as set forth in this section but not to exceed an average grant computed statewide for all recipients of aid under this chapter of one hundred dollars ($100) per month. In the event the average grant per recipient exceeds an amount of one hundred dollars ($100) the State Department of Social Welfare shall take immediate steps to reduce or curtail payments for attendant services or other special services arising from their disability to the end that the monthly average per recipient for the full fiscal year does not exceed one hundred dollars ($100)

The State Social Welfare Board shall establish a standard of assistance, within the limits set forth in this section, which will enable each recipient to maintain himself in decency and health The board shall establish a standard to cover actual needs, common to all persons. Within the limit of the average grant set forth in this section the board may provide for payment of an additional sum to those recipients whose physical or mental condition is such that they require the services of a full- or part-time attendant or other special services. In determining whether an applicant or recipient is entitled to receive payment for attendant or other special services, the scale set forth in Section 2181 of this code shall be used to determine his share of his spouse's community income that is available to meet his needs for such services. Allowance for attendant services shall not be made when rendered by a responsible relative with whom the recipient is living.

The board shall give priority to persons in the greatest need without replacing other public or private resources which can provide the services. Voluntary contributions or grants from other public sources, private agencies, friends or relatives which are specifically and solely provided for such attendant services and which would not otherwise be available shall not be considered as applying toward the actual needs of said recipient.

The State Department of Social Welfare may provide by rule that any change in grant for an amount of two dollars ($2) or less may be delayed not more than two months beyond the month in which the recipients reported the change in circumstances.

SEC. 25. Section 4020.1 is added to said code, to read:

4020.1. The amount of the average grant set forth in Section 4020 shall be adjusted annually by the department to reflect any increases or decreases in the cost of living occurring after January 1, 1964. The average of the separate indices of the cost of living for Los Angeles and San Francisco, as published by the United States Bureau of Labor Statistics, shall be used as the basis for determining the changes in the cost of living.

In giving effect to the cost of living provisions of this section, the department shall select a comparison month for computation of the percentage change in the cost of living after January 1, 1964. The same month shall be used annually thereafter. The determination of whether an adjustment is to be made, and the amount of such adjustment, shall be made by comparing the average index for the comparison month with the average index for January 1, 1964. The product of any percentage increase or decrease in the average index and one hundred dollars ($100) shall be adjusted by the dollar amount of any cost of living change currently in effect pursuant to the provisions of this section. If the resultant amount, when adjusted to the nearer dollar, is one dollar ($1) or more, it shall be added to or subtracted from the maximum average grant currently in effect under Section 4020. The resultant sum shall be declared by formal action of the director to be the maximum average grant payable under Section 4020.

The maximum average grant established by this action shall become effective on the first day of the month following the expiration of a 90-day period following the date of the formal action of the director.

SEC. 26 Section 4160 of said code is amended to read:

4160. Aid shall be granted under this chapter to any needy disabled person who comes within all of the following descriptions:

(a) Who has attained the age of 18 years.

(b) Who resides in the State and has so resided for at least one year immediately preceding the date of application and for at least three years within the nine years immediately preceding the date of application, has become disabled while a resident of this State, or is eligible under the terms of a reciprocal agreement entered into by the department with another state.

(c) Who has not made any voluntary assignment or transfer of property for the purpose of qualifying for such aid.

(d) Who is not at the time of receiving such aid a patient in an institution for tuberculosis or mental disease, a patient in a medical institution as the result of a diagnosis of tuberculosis or psychosis, an inmate of a public institution of a custodial (nonmedical), penal, or correctional character, or an inmate of a federal medical institution. Any such inmate or patient, however, may make an application for aid under this chapter and have his application investigated and acted upon without delay, in the same manner as applications of other persons are acted upon, while he is such an inmate or patient, and, if he is otherwise qualified under the terms of this chapter, such application shall be approved. The aid shall be granted to him from the first day of the month in which the determination is made that he is eligible, but in no event shall the aid commence prior to the date of the application. The applicant may remain an inmate or patient until he receives

his first monthly payment, whereupon he shall cease to be such inmate or patient.

(e) Who is not receiving adequate support from a husband or wife, or parent, or child.

SEC. 27. Section 4180 of said code is repealed.

SEC. 28. Section 4181 of said code is repealed.

SEC. 29. Section 4182 of said code is repealed.

SEC. 30. Section 4183 is added to said code, to read:

4183. In order to assist a disabled recipient unable to manage his cash grant, aid under this chapter may be paid in kind, wholly or in part, or to a guardian, conservator or other responsible person designated in accordance with regulations of the department to act in his behalf. Such method of payment may only be used when it is determined by the county director that the recipient is mismanaging or is unable to properly manage aid payments in cash. The department shall make regulations for the payment of aid under this section and for the selection of designated representatives so that aid in kind will be used only in cases wherein it is shown to be necessary.

Aid under this section shall be paid in accordance with the standards prescribed by Section 4020 of this code. The cost of aid shall be borne by the State and county in the same proportion and up to the same maximums as those specified for state-county participation in aid as set forth in Sections 4020 and 4021 of the code. Aid granted under provisions of this section shall be paid without federal participation whenever federal funds are not provided by the laws of the United States or rules and regulations promulgated thereunder.

SEC. 31. Section 4600 of said code is repealed.

SEC. 32. Section 4701 of said code is amended to read:

4701. As used in this chapter:

(a) "Medical assistance" means medical care as defined by Section 4502 of this code, which is rendered in behalf of aged persons as provided by Section 4722 of this chapter and the regulations of the State Social Welfare Board pursuant thereto.

(b) "Aged person" means any person 65 years of age or older who meets the following conditions:

1. Who resides in California.

2. Whose average monthly income over the next 12 months is not expected to exceed the costs of his medical care plus the cost of his maintenance as determined by the standard of assistance for a recipient of old age security.

3. Who does not own personal or real property or both in excess of the amount permitted for recipients of old age security.

4. Who is not a recipient of old age security.

5. Who is not a patient in an institution for tuberculosis or mental diseases.

6. Who is not a patient in a medical institution as a result of a diagnosis of tuberculosis or psychosis except to the extent

federal reimbursement is provided by Title I of the Federal Social Security Act.

7. Who is not an inmate of a public institution except as a patient in a public medical institution.

(c) "County hospital" means a medical facility established and maintained by the board of supervisors of a county pursuant to Section 1441 of the Health and Safety Code.

(d) "Contract hospital" means a nonprofit medical facility licensed pursuant to Section 1401 of the Health and Safety Code, with which the board of supervisors of a county which does not maintain a county hospital has executed a contract, currently in effect, to care for medically indigent individuals.

SEC. 33. Section 4706 is added to said code, to read:

4706. Whenever an aged person, by virtue of other federal or state statutes or by virtue of an enforceable contract, is entitled to medical care or payment for medical care, benefits payable under this chapter shall be reduced by the amount of his entitlement. Such reduction shall not preclude the use of benefits under this chapter to supplement his entitlement to the point where his medical needs are met.

SEC. 34. Section 4707 is added to said code, to read:

4707. If federal requirements permit a recipient of aid under this chapter to own an automobile of greater value than is permitted in the case of recipients of aid under Chapter 1 (commencing with Section 2000) of Division 3 of this code, the board shall adopt the more liberal allowance in its rules and regulations.

SEC. 35. Section 4720.5 is added to said code, to read:

4720.5. The director of a county agency which administers the provisions of this chapter and also administers medical facilities may not delegate to an employee the decision to authorize or deny aid under this chapter, if he has also delegated authority to that employee to operate or participate in the operation of any such medical facility.

SEC. 36. Section 4722 of said code is amended to read:

4722. The State Social Welfare Board shall establish the maximum allowances for services to be provided and shall prescribe the policies, standards, and scope of services to be provided by this chapter and shall adopt such rules and regulations as are necessary for carrying out every provision of this chapter and not inconsistent therewith.

In establishing the scope and limitations of medical assistance to be provided pursuant to this chapter, the Social Welfare Board shall be limited to providing medical care to an aged person who requires care in a hospital or a nursing home and outpatient care for such aged person following discharge therefrom.

Medical care includes medical assistance required in a medical facility operated or licensed by the United States, one of the several states, or a political subdivision of a state, or in a facility exempt from licensure pursuant to subdivision (c) of Section 1415 of the Health and Safety Code, or in a facility

licensed by the State Department of Public Health. Such medical care shall include the services of physicians and related personnel as well as the other inpatient services provided by the hospital or nursing home. Medical assistance shall be continued, as needed, on an outpatient basis upon release from the hospital or nursing home.

A transfer from one facility to another shall not be considered as an interruption in the continuity of care.

No cost of care shall be paid for under this chapter for the first 30 days of confinement in a hospital or nursing home except as is expressly provided elsewhere in this chapter.

Upon a showing of favorable cost experience and the approval of the State Department of Finance the State Social Welfare Board may reduce the required period of confinement and the period for which costs of care may not be paid but in no event shall either of these periods of time be reduced below 21 days.

In adopting the schedule of maximum allowances as required by this section the State Social Welfare Board shall not adopt a schedule which offers local public medical facilities a lesser rate of return in comparison to actual costs than is offered to nonpublic facilities. To the extent that rate schedules established for nonpublic facilities include a factor for plant depreciation or replacement, the same consideration shall be extended in determining rates for public facilities.

No cost of care shall be paid for under this chapter to a medical facility unless:

(a) It is licensed by the State Department of Public Health as a hospital within the meaning of Section 1401 of the Health and Safety Code; or

(b) It is licensed by a comparable agency in another state; or

(c) It is exempt from licensure pursuant to subdivision (c) of Section 1415 of the Health and Safety Code; or

(d) It is operated by the Regents of the University of California.

SEC. 37. Section 4722.1 is added to said code, to read:

4722.1. (a) Notwithstanding the provisions of Section 4722, payment shall be made for the first 30 days of care if confinement occurs in a county hospital or in a contract hospital or nursing home to which an aged person transfers from a county hospital or contract hospital.

(b) Payment shall be made from the first day of the month following the date on which a person enters a nursing home from his own home or a private hospital.

(c) Payment shall be made within the first 30 days of confinement in any hospital or nursing home whenever the cost of care therein exceeds three thousand dollars ($3,000).

SEC. 37.6. Section 4731.5 is added to said code, to read:

4731.5. Notwithstanding the provisions of Section 4731, a certificate of eligibility issued to an aged person shall be authorization for payment of any services rendered in behalf of the person in a county hospital or in a contract hospital, or in

a hospital or nursing home to which the person is transferred from a county hospital or contract hospital, for the three months immediately prior to the month in which the application for assistance was made. Payment for such services shall be made as provided in Section 4753.1 of this code.

SEC. 37.7. Section 4735 of said code is repealed.

SEC. 37.8 Section 4735 is added to said code, to read:

4735. No relative shall be held legally liable to support or to contribute to the support of any applicant for or recipient of assistance under this chapter

Notwithstanding the provisions of Section 206 of the Civil Code, or Section 270c of the Penal Code, or any other provision of this code no demand shall be made upon any relative to support or contribute toward the support of any applicant for or recipient of assistance under this chapter. No county or officer or employee thereof shall threaten any such relative with any legal action against him, by or in behalf of the county or with any penalty whatsoever.

SEC. 38. Section 4737 is added to said code, to read:

4737. Any recipient of assistance under this chapter who is discharged from a hospital or nursing home, meets the eligibility qualifications for aid under Chapter 1 (commencing with Section 2000) of Division 3 of this code, and otherwise has insufficient income to maintain himself until old age assistance is granted to him, shall be provided with sufficient funds, from general assistance, for the cost of his maintenance as determined by the standard of assistance for a recipient of old age assistance.

Any recipient of assistance under this chapter who is discharged from a hospital or nursing home and who was a recipient of aid under Chapter 1 (commencing with Section 3000) or Chapter 3 (commencing with Section 3400) of Part 1 of Division 5, or under Chapter 1 (commencing with Section 4000) of Part 2 of Division 5, shall be entitled to have his aid grant increased or restored immediately upon his discharge from the hospital or nursing home, and no new application shall be required.

SEC. 39. Section 4753 of said code is amended to read:

4753. Each county shall contribute an amount equal to one-fourth of the total expenditures under this chapter for the care of aged persons who are patients in a hospital or nursing home, except as is hereinafter provided.

The cost of medical assistance provided on an outpatient basis shall be borne by the State, after deducting therefrom such federal funds as are received pursuant to Title 1 of the Federal Social Security Act.

The county share shall be deposited in the county medical care revolving fund established pursuant to Section 4604.5 of this code.

SEC. 39.5. Section 4753 1 is added to said code, to read:

4753.1. Until the cost of medical assistance exceeds three thousand dollars ($3,000), such assistance provided during the

first 30 days in accordance with subdivision (a) of Section 4722.1 of this code, or during the period prior to the date of application as provided in Section 4731.5 of this code, shall be borne by the county, after deducting therefrom such federal funds as are received pursuant to Title I of the Federal Social Security Act.

SEC. 40. Sections 19, 20, 21, 22, 23, 26, and 30 shall become operative on January 1, 1965.

SEC. 40.5. Sections 1.6, 1.7, 1.8, 1.9, 1.10, 1.11, 1.12, 1.13, 1.15, 1.16, 1.17, 1.18, 2.1, and 3.1 shall become operative on February 1, 1964.

SEC. 41. Sections 16 to 18, inclusive, and Section 12 shall become operative on July 1, 1963.

SEC. 42. All sections of this act, except those mentioned in Sections 40, 40 5, and 41 of this act, and Sections 4, 10, 10.5, 11, 11.5, 15.2, 15.3, and 32 through 41, shall become operative January 1, 1964. Sections 4, 10, 10.5, 11, 11.5, 15.2, 15.3, and 32 through 41 shall become operative immediately.

SEC. 43. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

This act permits the payment of aid to the blind for a limited period to recipients of aid to the potentially self-supporting blind, and will render the State eligible to receive federal assistance toward the payment of aid grants to such recipients, which is not the case now. In order that this State may obtain the available federal funds at the earliest possible time, it is essential that this act go into effect immediately.

CHAPTER 511

An act authorizing the Division of Beaches and Parks to exchange property belonging to the State for other property in the County of San Luis Obispo.

[Approved by Governor May 21, 1963 Filed with Secretary of State May 21, 1963.]

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

SECTION 1. The Division of Beaches and Parks of the Department of Parks and Recreation is authorized to convey to the County of San Luis Obispo all right, title and interest of the State in and to certain real property situated within the Pismo Beach State Park, San Luis Obispo County, in exchange for and upon there being conveyed to the State by the County of San Luis Obispo all of their right, title and interest in certain real property situated adjacent to the Pismo Beach State Park, County of San Luis Obispo.

The state lands authorized to be conveyed by this act are more particularly described as follows:

Lots 3, 4, 7, 29 and 30, Block 43, Oceano Beach Subdivision No. 2, according to the map thereof filed August 10, 1905, in Book A, page 150 of Maps, Records of said County.

The real property to be conveyed to the State by the County of San Luis Obispo in exchange for these state lands is more particularly described as follows:

Parcel 1: Lots 3 through 17, inclusive, lots 20 through 24, inclusive, lots 26 through 48, inclusive, and lots 51 through 56, inclusive, in Block 2; lots 1 through 9, inclusive, lot 11 and lot 46, in Block 3, all in Halcyon Beach Tract, as per map filed March 16, 1906, in Book B, page 40 of Maps, Records of said County.

Parcel 2: Lot 23, Block 7; lot 49, Block 8; lots 1 through 25, inclusive, lots 28 through 47, inclusive, and lots 49 through 68, inclusive, in Block 13; lots 1 through 62, inclusive, in Block 62; lot 41 in Block 64; lots 35 and 36 in Block 66; lots 28 and 29, and lots 56 through 60, inclusive, in Block 73; lots 6 through 34, inclusive, and lots 40 through 57, inclusive, in Block 87, all in La Grande Beach Tract as per map filed June 30, 1905 in Book A, pages 8 and 9 of Maps, Records of said County.

In the exchange of these properties, the State shall determine that the property to be conveyed by the County of San Luis Obispo is comparable in value to that which is to be conveyed to the county.

CHAPTER 512

An act to amend Section 3800 of the Fish and Game Code, relating to nonprotected birds.

[Approved by Governor May 21, 1963. Filed with Secretary of State May 21, 1963.]

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

SECTION 1. Section 3800 of the Fish and Game Code is amended to read:

3800. Nonprotected birds are:

(a) English sparrows (Passer domesticus); crows (Corvus brachyrhynchos); American or black-billed magpies (Pica pica hudsonia); California or scrub jays (Aphelocoma californica); Steller's or crested jays (Cyanocitta stelleri); and starlings (Sturnus vulgaris).

(b) Yellow-billed magpies (Pica nuttalli)

The provisions of subdivision (b) of this section shall be applicable only in those districts or parts of districts within a county whose board of supervisors, by resolution, has de-

clared that, based only upon crop damage, such provisions are desirable for the county and shall be in effect until the 91st day after adjournment of the 1965 Regular Session of the Legislature and thereafter shall have no force or effect.

CHAPTER 513

An act to amend Section 13581 of the Education Code, relating to the definition of the classified service within school districts.

[Approved by Governor May 21, 1963. Filed with Secretary of State May 21, 1963.]

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

SECTION 1. Section 13581 of the Education Code is amended to read:

13581. The governing board of any school district shall employ persons for positions not requiring certification qualifications. The governing board shall, except where Article 5 (commencing at Section 13701) of this chapter or Section 13756 applies, classify all such employees and positions. The employees and positions shall be known as the classified service. Substitute and short term employees, employed and paid for less than 75 percent of a school year, shall not be a part of the classified service. Part-time playground positions, full-time day students employed part time, apprentices and professional experts employed on a temporary basis for a specific project, regardless of length of employment, shall not be a part of the classified service.

The term "short term employees" as used in this section shall be construed to mean any person who is employed to perform a service for the district, upon the completion of which, the service required or similar services will not be extended or needed on a continuing basis.

"Seventy-five percent of a school year" means 195 working days, including holidays, sick leave, vacation and other leaves of absences, irrespective of number of hours worked per day.

CHAPTER 514

An act to amend Section 20501 of the Education Code, relating to school district financial statements.

[Approved by Governor May 21, 1963. Filed with Secretary of State May 21, 1963.]

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

SECTION 1. Section 20501 of the Education Code is amended to read:

20501. On or before the 15th day of August of each year the governing board of each school district shall prepare and keep on file for public inspection a statement of all receipts and expenditures of the district for the preceding fiscal year and a statement of the estimated total expenses for the district for the current fiscal year.

CHAPTER 515

An act to amend Section 31753 of the Education Code, relating to school district insurance, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 21, 1963. Filed with Secretary of State May 21, 1963.]

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

SECTION 1. Section 31753 of the Education Code is amended to read:

31753. Any claim for accidental bodily injuries or accidental death described in this article which is subject to, and for which benefits have been paid under, the provisions of Division 4 (commencing with Section 3201) of the Labor Code is excluded from the required coverage and benefits under this article. Recreation activities under Chapter 6, Division 12, Part 3, of this code (commencing at Section 16651), are excluded from the required coverage and benefits of this article.

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

The law requiring school districts to provide insurance coverage for injury to, or the death of, a member of an athletic team has been interpreted as including athletic teams under summer community recreation programs. In order that school districts be relieved of the need to furnish such insurance for the 1963 summer season, it is necessary that this act take effect immediately.

CHAPTER 516

An act to amend Section 19804 of the Business and Professions Code, relating to the standard bread loaf.

[Approved by Governor May 21, 1963. Filed with Secretary of State May 21, 1963.]

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

SECTION 1. Section 19804 of the Business and Professions Code is amended to read:

19804. Whenever any bread is wrapped, in any wrapping, for sale through retail outlets, there shall appear on the body of the wrapping, or on the insert band, in letters clear and legible to the buyer or prospective buyer, in a color contrasting with the background, the words required by this section. Such label shall also comply in all respects with the provisions of Chapter 6 (commencing with Section 12601) of Division 5 of this code.

The words required on such label shall read "standard loaf, minimum net weight 15 oz.," or "standard large loaf, minimum net weight 1 lb. 6½ oz.," as the case may be, and the lettering thereof shall be of minimum height of one-quarter inch.

SEC. 2. This act shall become operative January 1, 1964.

CHAPTER 517

An act to amend Sections 12154, 12155, and 12157 of the Fish and Game Code, relating to forfeiture of bail.

[Approved by Governor May 21, 1963. Filed with Secretary of State May 21, 1963.]

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

SECTION 1. Section 12154 of the Fish and Game Code is amended to read:

12154. Upon the third conviction of any person of a violation of any provision of this code or regulation made pursuant thereto relating to the taking or possession of fish in any five-year period, the department may recommend to the commission that such person be prohibited from taking any fish or amphibia. The commission may prohibit such person from taking any fish or amphibia for not to exceed three years from the date of the last conviction, and the sport fishing license of such person, if he has one, may be forfeited and no sport fishing license shall be issued such person during such period of prohibition. For the purpose of this section forfeiture of bail shall constitute a conviction.

SEC. 2. Section 12155 of said code is amended to read:

12155. Upon the third conviction of any person of a violation of any provision of this code or regulation made pursuant

thereto relating to the taking or possession of birds or mammals in any five-year period, the department may recommend to the commission that such person be prohibited from taking any birds or mammals. The commission may prohibit such person from taking any birds or mammals for not to exceed three years from the date of the last conviction, and the hunting license of such person, if he has one, may be forfeited and no hunting license shall be issued such person during such period of prohibition. For the purpose of this section forfeiture of bail shall constitute a conviction.

SEC. 3. Section 12157 of said code is amended to read:

12157. The judge before whom any person is tried for a violation of any provision of this code or regulation made pursuant thereto may, in his discretion, upon the conviction of the accused, order the forfeiture of any device or apparatus designed to be, and capable of being, used to take birds, mammals, fish, or amphibia and which was used in committing the offense charged. Any device or apparatus so forfeited shall be sold or destroyed by the department. The proceeds from all such sales shall be paid into the Fish and Game Preservation Fund. For the purpose of this section forfeiture of bail shall constitute a conviction.

CHAPTER 518

An act to amend Section 22659 of the Vehicle Code, relating to removal of vehicles.

[Approved by Governor May 21, 1963. Filed with Secretary of State May 21, 1963.]

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

SECTION 1. Section 22659 of the Vehicle Code is amended to read:

22659. Any officer of the California State Police or any person duly authorized by the state agency in possession of property owned by the State, or rented or leased from others by the State and any officer of the California State Police providing policing services to property of a district agricultural association may, subsequent to giving notice to the city police or county sheriff, whichever is appropriate, cause the removal of a vehicle from such property to the nearest public garage, under any of the following circumstances:

(a) When the vehicle is illegally parked in locations where signs are posted giving notice of violation and removal.

(b) When an officer arrests any person driving or in control of a vehicle for an alleged offense and the officer is by this code or other law required to take the person arrested before a magistrate without unnecessary delay.

(c) When any vehicle is found upon such property and report has previously been made that the vehicle has been stolen or complaint has been filed and a warrant thereon issued charging that the vehicle has been embezzled.

(d) When the person or persons in charge of a vehicle upon such property are by reason of physical injuries or illness incapacitated to such an extent as to be unable to provide for its custody or removal.

The person causing removal of such vehicle shall comply with the requirements of Sections 22852 and 22853 relating to notice.

CHAPTER 519

An act to amend Sections 2019 and 2020 of the Code of Civil Procedure, relating to discovery in civil cases.

[Approved by Governor May 21, 1963. Filed with Secretary of State May 21, 1963]

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

SECTION 1. Section 2019 of the Code of Civil Procedure is amended to read:

2019. (a) (1) A party desiring to take the deposition of any person upon oral examination shall give notice in writing to every other party to the action. The notice shall state the time and place for taking the deposition and the name and address of each person to be examined, if known, and, if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs. Such notice must be at least 10 days, adding also one day for every 300 miles of the distance of the place of examination from the residence of the person to whom the notice is given, except that on motion of any party, with or without notice, and for good cause shown, the court may enlarge or shorten the time, or may stay the taking of the deposition until the hearing and determination of a motion for an order pursuant to subdivision (b) of this section. Service of such notice or motion may be made upon any party or his attorney in the manner provided in Chapter 5 (commencing with Section 1010) of Title 14 of Part 2 of this code.

(2) If the parties so stipulate in writing, depositions may be taken before any person, at any time or place, upon any notice, and in any manner and when so taken may be used like other depositions.

(3) If an adverse party is in default for not appearing within the time allowed by the law or the court, or if, in a special proceeding, some or all of the parties interested have not appeared, a deposition may be taken without the giving of any notice to the party so in default or not appearing; and in any case on motion of any party, with or without notice,

and for good cause shown, the court may authorize the taking of a deposition without the giving of notice to parties who have not been served with summons.

(4) In the case of depositions of a party to the record of any civil action or proceeding or of anyone who at the time of taking the deposition is an officer, director or managing agent of any such party, the service of a subpoena upon any such deponent is not required if proper notice of the taking of such deposition is given to the attorney for such party or to the party, if he has no attorney. In the case of depositions of a person for whose immediate benefit an action or proceeding is prosecuted or defended or of anyone who at the time of taking the deposition is an officer, director or managing agent of any such person, the service of a subpoena upon any such deponent is not required if proper notice of the taking of such deposition is given to the attorney of the party prosecuting or defending the action or proceeding for the immediate benefit of the deponent or to such party, if he has no attorney. A notice to take the deposition of a person described in this subdivision (4) cannot require the attendance of such person at a place more than 150 miles from the residence of such person, unless the party desiring to take such deposition first obtains an order pursuant to the provisions of Section 2019(b)(2) of this code.

(b) (1) After notice is served for taking a deposition by oral examination, upon motion seasonably made by any party or by the person to be examined and upon notice, or upon the court's own motion and after giving counsel an opportunity to be heard, and in either case for good cause shown, the court in which the action is pending may make an order that the deposition shall not be taken, or that it may be taken only at some designated time or place other than stated in the notice, or that it shall not be taken except by allowing written interrogatories by one or more parties, or that certain matters shall not be inquired into, or that the scope of the examination shall be limited to certain matters, or that the examination shall be held with no one present except the parties to the action and their officers or counsel, or that after being sealed the deposition shall be opened only by order of the court, or that secret processes, developments, or research need not be disclosed, or that the parties shall simultaneously file specified documents or information enclosed in sealed envelopes to be opened as directed by the court; or the court may make any other order which justice requires to protect the party or witness from annoyance, embarrassment, or oppression. In granting or refusing such order the court may impose upon either party or upon the witness the requirement to pay such costs and expenses, including attorney's fees, as the court may deem reasonable.

(2) Notwithstanding Section 1989, the court may, upon motion on 10 days' written notice and for good cause shown, make an order requiring a deponent who is a party to the record of any civil action or proceeding or is a person for

whose immediate benefit said action is prosecuted or defended or is at the time of the taking of the deposition an officer, director or managing agent of any such party or person to attend a deposition at a place more than 150 miles from the residence of such deponent. In granting or refusing such order, the court shall consider whether the moving party selected the forum, whether the deponent will be present at the trial, the convenience of the deponent, the suitability of discovery through a deposition by written interrogatories or other discovery methods, the number of depositions sought under this section, the expense to the parties of requiring the deposition to be taken within 150 miles of the residence of the deponent, the whereabouts of the deponent at the time the deposition is scheduled to be taken, and all other factors tending to show whether or not the interests of justice and the convenience of the parties and witnesses will be served by requiring the deponent to appear for his deposition at a place more than 150 miles from his residence. Such order may provide that the party desiring to take such deposition shall pay the reasonable expenses incurred by the deponent in attending such deposition and that he furnish an undertaking approved by the court to secure such payment and may contain such other terms and conditions as are equitable and just.

(c) The officer before whom the deposition is to be taken shall put the witness on oath and shall personally, or by someone acting under his direction and in his presence, record the testimony of the witness. The testimony shall be taken stenographically and transcribed unless the parties agree otherwise All objections made at the time of the examination to the qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented, or to the conduct of any party, and any other objection to the proceedings, shall be noted by the officer upon the deposition. Evidence objected to shall be taken subject to the objections. In lieu of participating in the oral examination, parties served with notice of taking a deposition may transmit written interrogatories to the officer, who shall propound them to the witness and record the answers verbatim.

(d) At any time during the taking of the deposition, on motion of any party or of the deponent, or upon the court's own motion and after giving counsel an opportunity to be heard, and in either case upon a showing that the examination is being conducted in bad faith or in such manner as unreasonably to annoy, embarrass, or oppress the deponent or party, the court in which the action is pending or the superior court in the county where the deposition is being taken may order the officer conducting the examination to cease forthwith from taking the deposition, or may limit the scope and manner of the taking of the deposition as provided in subdivision (b) of this section. If the order made terminates the examination, it shall be resumed thereafter only upon the order of the court in which the action is pending. Upon demand of the objecting

party or deponent, the taking of the deposition shall be suspended for the time necessary to make a motion for an order. In granting or refusing such order the court may impose upon either party or upon the witness the requirement to pay such costs or expenses, including attorney's fees, as the court may deem reasonable.

(e) When the testimony is fully transcribed the deposition shall be submitted to the witness for examination and shall be read to or by him, unless such examination and reading are waived by the witness and by the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed, unless on a motion to suppress under subdivision (d) of Section 2021 of this code the court holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

(f) (1) The officer shall certify on the deposition that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness. He shall then securely seal the deposition in an envelope endorsed with the title of the action and marked "Deposition of (here insert name of witness)" and shall promptly file it with the court in which the action is pending or send it by registered mail to the clerk thereof for filing.

(2) Upon payment of reasonable charges therefor, the officer shall furnish a copy of the deposition to any party or to the deponent.

(3) The party taking the deposition shall give prompt notice of its filing to all other parties.

(g) (1) If the party giving the notice of the taking of a deposition fails to attend and proceed therewith and another party attends in person or by attorney pursuant to the notice, the court may order the party giving the notice to pay such other party the amount of the reasonable expenses incurred by him and his attorney in so attending, including reasonable attorney's fees.

(2) If the party giving the notice of the taking of a deposition of a witness fails to serve a subpoena upon him and the witness because of such failure does not attend, and if another party attends in person or by attorney because he expects the deposition of that witness to be taken, the court may order the party giving the notice to pay to such other party the amount of the reasonable expenses incurred by him and his attorney in so attending, including reasonable attorney's fees.

SEC. 2. Section 2020 of said code is amended to read:

2020. (a) A party desiring to take the deposition of any person upon written interrogatories shall serve them upon every other party with a notice stating the name and address of the person who is to answer them and the name or descriptive title and address of the officer before whom the deposition is to be taken. Within 10 days thereafter a party so served may serve cross-interrogatories upon the party proposing to take the deposition. Within five days thereafter the latter may serve redirect interrogatories upon a party who has served cross-interrogatories. Within five days after being served with redirect interrogatories, a party may serve recross-interrogatories upon the party proposing to take the deposition.

(b) A copy of the notice and copies of all interrogatories served shall be delivered by the party taking the deposition to the officer designated in the notice, who shall proceed promptly, in the manner provided by subdivisions (c), (e) and (f) of Section 2019 of this code, to take the testimony of the witness in response to the interrogatories and to prepare, certify, and file or mail the deposition, attaching thereto the copy of the notice and the interrogatories received by him.

(c) When the deposition is filed the party taking it shall promptly give notice thereof to all other parties.

(d) After the service of interrogatories and prior to the taking of the testimony of the deponent, the court in which the action is pending, on motion promptly made by a party or a deponent upon notice, or upon the court's own motion and after giving counsel an opportunity to be heard, and in either case for good cause shown, may make any order specified in Section 2019 of this code which is appropriate and just or an order that the deposition shall not be taken before the officer designated in the notice or that it shall not be taken except by allowing oral examination by one or more parties

(e) Service of any interrogatories, notices, motions, or orders under this section may be made upon any party or his attorney in the manner provided in Chapter 5 (commencing with Section 1010) of Title 14 of Part 2 of this code.

CHAPTER 520

An act to amend Section 12828 of the Water Code, relating to the financing of flood control projects.

[Approved by Governor May 21, 1963 Filed with Secretary of State May 21, 1963.]

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

SECTION 1. Section 12828 of the Water Code is amended to read:

12828. Except where the co-operation required by the United States in addition to the costs of all lands, easements, and rights-of-way, has been authorized to be assumed by the State prior to March 12, 1946, the department shall not reallocate the funds allocated to it, nor shall the Reclamation Board expend any funds appropriated directly to it, for acquisition of property rights or contributions to the United States, for any project for which the Reclamation Board is directed to give assurances to the United States unless and until a public agency other than the Reclamation Board has either assumed the obligations of maintenance and holding the United States harmless from damages due to the construction of works, directly with the United States, or has by binding agreement with the Reclamation Board agreed to assume such obligations and to hold the State and the Reclamation Board harmless from any claims therefor.

This section is not intended to prevent the expenditure of project funds by the Reclamation Board for planning and design engineering, title reports and appraisals, and other incidental expenses required in advance of actual acquisition of property rights.

CHAPTER 521

An act authorizing a grant to the San Luis Obispo County Flood Control and Water Conservation District for recreation in connection with the Lopez Dam and Reservoir.

[Approved by Governor May 21, 1963. Filed with Secretary of State May 21, 1963.]

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

SECTION 1. The Department of Water Resources is hereby authorized to make a grant to the San Luis Obispo County Flood Control and Water Conservation District, pursuant to the Davis-Grunsky Act (Chapter 5 (commencing with Section 12880), Part 6, Division 6, Water Code), of such amount as may be determined by the department upon approval of an application therefor pursuant to said act, but not exceeding the amount of one million dollars ($1,000,000), for recreational functions incidental to the construction of the Lopez Dam and Reservoir on the Arroyo Grande Creek in San Luis Obispo County.

No further legislative approval shall be required with respect to the grant authorized to be made to the district by this act; but such grant shall not be made to the district until the district can actually demonstrate the nature and extent of the statewide interest in the project, the public necessity for the project, the urgency of the need, and the engineering feasibility, economic justification, and the financial feasibility of the project.

CHAPTER 522

An act to amend Section 13303 of the Revenue and Taxation Code, relating to definition of "estate" or "property."

[Approved by Governor May 21, 1963 Filed with Secretary of State May 21, 1963.]

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

SECTION 1. Section 13303 of the Revenue and Taxation Code is amended to read:

13303. "Estate" or "property" means the real or personal property or interest therein of a decedent or transferor, and includes all of the following:

(a) All intangible personal property of a resident decedent within or without the State or subject to the jurisdiction thereof.

(b) All intangible personal property in California belonging to a deceased nonresident of the United States, including all stock of a corporation organized under the laws of California or which has its principal place of business or does the major part of its business in California or of a federal corporation or national bank which has its principal place of business or does the major part of its business in California, excluding, however, saving accounts in saving and loan associations operating under the authority of the Division of Savings and Loan or the Federal Home Loan Bank board and bank deposits, unless such deposits are held and used in connection with a business conducted or operated, in whole or in part, in California.

CHAPTER 523

An act to amend Section 15402 of the Revenue and Taxation Code, relating to gift tax annual exemption.

[Approved by Governor May 21, 1963 Filed with Secretary of State May 21, 1963.]

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

SECTION 1. Section 15402 of the Revenue and Taxation Code is amended to read:

15402. Neither of the following is within the exemption allowed by this article:

(a) A future interest in property; provided, that no part of a gift to an individual who has not attained the age of 21 years on the date of such transfer shall be considered a gift of a future interest in property for the purposes of this subsection if the property and the income therefrom may be expended by, or for the benefit of, the donee before his attaining the age of 21 years, and will to the extent not so expended pass to the

donee on his attaining the age of 21 years, and in the event the donee dies before attaining the age of 21 years, be payable to the estate of the donee or as he may appoint under an unlimited power of appointment.

(b) Property subject to tax by virtue of the operation of subdivision (c), Section 15303 of this code.

CHAPTER 524

An act to amend Sections 7034 and 22234 of the Water Code, relating to water facilities.

[Approved by Governor May 21, 1963 Filed with Secretary of State May 21, 1963]

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

SECTION 1. Section 7034 of the Water Code is amended to read:

7034. Bridges or conduits heretofore or hereafter constructed in a permanent manner, whether by encroachment permit or otherwise, which cross county highways and which have been constructed or brought up to county standards, and have been accepted, either formally or informally by appropriate action, shall, after such acceptance, and regardless of who constructed them, be the sole responsibility of the county, so far as maintenance, repair, improvement for the benefit of the county, reconstruction or replacement of such bridges and conduits are concerned. If any such county highways become state highways, the State shall succeed to the foregoing obligations of the county.

The amendment of this section made at the 1963 Regular Session of the Legislature does not constitute a change in, but is declaratory of, the pre-existing law.

SEC. 3. Section 22234 of the Water Code is amended to read:

22234. A district may contract to operate, maintain, or improve ditches and laterals not owned by the district upon petition of at least two-thirds of the owners of land served by such ditches or laterals.

In order to carry out the purposes of this section, a district may make such contracts as the board deems necessary, including but not limited to loan and repayment contracts, construction contracts, and rental of equipment contracts.

The amendment of this section made at the 1963 Regular Session of the Legislature does not constitute a change in, but is declaratory of, the pre-existing law.

CHAPTER 525

An act to amend Section 783 of the Agricultural Code, relating to fruit, nut and vegetable standardization.

[Approved by Governor May 21, 1963 Filed with Secretary of State May 21, 1963]

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

SECTION 1. Section 783 of the Agricultural Code is amended to read:

783. All enforcing officers may enter and inspect any place or conveyance within the county or district over which they have jurisdiction, where any fresh or dried fruits, nuts or vegetables are produced, stored, packed, delivered for shipment, loaded, shipped, being transported, or sold, and inspect all such fresh or dried fruits, nuts and vegetables and the containers thereof and equipment found in any such places or conveyances and take for inspection, such representative samples of the produce and such containers, as may be necessary to determine whether or not this chapter has been violated and may subject such samples of produce to any method of inspection or testing.

All enforcing officers shall cause the prosecution of any person whom they know or have reason to believe to be guilty of violating any of the provisions of this chapter. Any enforcing officer may, while enforcing the provisions of this chapter, seize and hold as evidence all or any part of any pack, load, bulk lot, consignment or shipment of fresh or dried fruits, nuts or vegetables packed, delivered for shipment, loaded, shipped, or being transported, or sold in violation of this chapter, or any container of such product, as may in his judgment be necessary to secure the conviction of the party he knows or believes has violated or is violating any of the provisions of this chapter.

Any prosecution for the violation of any provision of this chapter may be made in any county where any part of the offense occurred. Any evidence taken by any enforcing officer in any county may be admitted in evidence in any prosecution in any other county.

The commissioner of each county and his deputies holding valid certificates of eligibility for the office to which they have been appointed and his inspectors holding valid standardization certificates, are hereby authorized upon request to issue certificates stating that the fruits, nuts or vegetables inspected meet all of the requirements of this chapter or the requirements of the State or country of intended destination other than this State. Such certificate shall contain a description of the fruits, nuts or vegetables inspected, including quantity, identifying marks on containers, identification of location or vehicle and any other facts necessary to readily identify such lot.

The board of supervisors of the county may at their option establish a schedule of fees for such certificates to be paid by owners, shippers or other interested parties requesting such certificates. The schedule of fees established for such certificates shall be based upon the approximate cost of the inspection necessary to determine that the fruits, nuts or vegetables have met such requirements

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CHAPTER 526

An act to amend Section 586 of the Streets and Highways Code and to amend Section 409 of the Streets and Highways Code as proposed by Senate Bill No. 64, relating to state highways, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 21, 1963 Filed with Secretary of State May 21, 1963.]

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

SECTION 1. Section 586 of the Streets and Highways Code is amended to read:

586. Route 286 is from Sunset Cliffs Boulevard to Route 2 in San Diego.

SEC. 2. Section 409 of the Streets and Highways Code, as proposed by Senate Bill No. 64, is amended to read:

409. Route 109 is from Sunset Cliffs Boulevard to Route 5 in San Diego.

SEC. 3. Section 2 of this act shall become operative only if Senate Bill No. 64 is enacted by the Legislature at its 1963 Regular Session, and in such case at the same time as Senate Bill No. 64 takes effect, and as an amendment thereof, regardless of the order of enactment; concurrently therewith Section 586 of the Streets and Highways Code as added by Section 1 of this act is repealed.

SEC. 4. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

This change in description is necessary in order that proper considerations may be given to alternate locations for this freeway. Part of the freeway in one location would traverse certain river dike lands and the right-of-way for such lands in that location must be obtained from the United States government within one year. It is important that the location be fixed, so that right-of-way acquisition may be commenced at the earliest possible moment if the location is placed over such river dike lands. It is therefore necessary for this act to go into immediate effect.

CHAPTER 527

An act to add Section 7202.1 to the Education Code, relating to the purchase of textbooks in addition to those furnished by the county library.

[Approved by Governor May 21, 1963 Filed with Secretary of State May 21, 1963]

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

SECTION 1. Section 7202.1 is added to the Education Code, to read:

7202.1. Notwithstanding any other section of this article to the contrary, school districts may purchase textbooks, reference books, periodicals, and other publications approved by any board authorized to adopt such materials in addition to those furnished by the county library.

CHAPTER 528

An act to amend Section 8395 of, and to add Section 9006 to, the Fish and Game Code, relating to shiner perch, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 21, 1963 Filed with Secretary of State May 21, 1963]

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

SECTION 1. Section 8395 of the Fish and Game Code is amended to read:

8395. Surf perch of the family Embiotocidae may not be sold or purchased between May 1st and July 15th, except shiner perch (Cymatogaster aggregata), which may be taken, sold or purchased at any time. South of a line drawn east and west through Point Arguello, barred surfperch, redtail surfperch, and calico surfperch may not be taken for commercial purposes. Surfperch of these three species which have been taken north of the line during the open season and shipped south of the line may be sold or purchased under such regulations as the commission may prescribe.

SEC. 2. Section 9006 is added to said code, to read:

9006. In Districts 11, 12, and 13 traps not to exceed 24 inches in length, 12 inches in width, and 12 inches in height, with one opening not to exceed 2 inches in diameter, may be used to take shiner perch (Cymatogaster aggregata), staghorn sculpin (Leptocottus armatus) and mudsuckers (Gillichthys mirabilis).

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

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

If the benefits of this act are to be available during the 1963 season this act must be in effect immediately.

CHAPTER 529

An act to amend Section 34324 of the Health and Safety Code, relating to housing authorities.

[Approved by Governor May 21, 1963. Filed with Secretary of State May 21, 1963.]

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

SECTION 1. Section 34324 of the Health and Safety Code is amended to read:

34324. Any two or more authorities may join or co-operate with one another in the exercise either jointly or otherwise, of any or all of their powers for the purpose of financing, including, but not limited to, the issuance of bonds, notes, or other obligations and giving security therefor, or planning, undertaking, owning, constructing, or operating, or entering into any contract with respect to, any housing project or projects located within the area of operation of any one or more of such authorities. For any such purpose, one authority may provide by resolution that another authority with which it has joined or is co-operating in the exercise of powers is authorized to act on its behalf with respect to any or all of the powers, as its agent or otherwise, in its name, the name of such other authority, or in the names of the authorities which have joined or are co-operating.

CHAPTER 530

An act to amend Section 4741 of, and to add Section 4759.1 to, the Health and Safety Code, relating to sanitation districts.

[Approved by Governor May 21, 1963. Filed with Secretary of State May 21, 1963.]

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

SECTION 1. Section 4741 of the Health and Safety Code is amended to read:

4741. It may acquire, construct and complete within or without the district, sewage collection, treatment and disposal works, including sewage treatment plants, outfalls, intercepting, collecting and lateral sewers, pipes, pumps, machinery, easements, rights-of-way, and other works, property or structures necessary or convenient for sewage collection, treatment and disposal. No such sewerage system shall be constructed,

maintained, or operated in any city not in the district except by consent granted by an affirmative vote by a majority of the full membership of the governing body of the city; provided, however, that the district may construct, operate and maintain intercepting, trunk and outfall sewerlines, other than ocean outfall lines and other terminal outfall lines, together with pumps and like machinery necessary for sewage transportation, in a city pursuant to Section 4759.1 of this article. For the purposes of this section the term "terminal outfall lines" means any outfall sewerlines that discharge within the city any effluent from a sewer treatment plant or any sewage.

It may also acquire lands and acquire and construct refuse transfer or disposal facilities, or both, within or without the district, and it may maintain and operate within the district boundaries a system for transfer or disposal of refuse, or both; provided, however, that such system shall not include "refuse collection" which is defined as the house-to-house pickup of refuse or any part thereof.

A district shall not acquire land for, or establish and operate a refuse transfer or disposal facility within either a city or the unincorporated area of a county until the city council, if the facility is proposed to be located in the city, or the board of supervisors of the county, if it is proposed to be located in the unincorporated area of the county, has by resolution, consented to the use of the proposed site for that purpose.

If 90 percent or more of the total area of the district is unincorporated territory, and the land proposed to be acquired for a refuse transfer or disposal facility is located in the unincorporated territory of the county, the board of supervisors shall, before adopting any resolution consenting to the use of land for that purpose, hold a public hearing upon the question of the adoption of the resolution. Notice of such hearing shall be given by publication in the area pursuant to Section 6066 of the Government Code, not more than 30 nor less than 10 days prior to the hearing. If at any time before the hearing, there is filed with the board of supervisors a written objection to the use of the proposed site for a refuse transfer or disposal facility, signed by 2 percent or more of the registered voters of the district, the board shall submit the matter of the proposed use to the voters of the district at an election. The proposition shall be submitted to the voters in the manner and under the procedure prescribed in Article 5 of this chapter for submission of the proposition of incurring a bonded indebtedness. If a majority of the votes cast in such an election are in favor of the proposed use the board shall adopt the resolution consenting thereto, but if a majority of the votes cast are against the proposed use the board shall dismiss the proceedings, and no resolution consenting to the use of any of such land shall be adopted by the board for at least one year from the date of the election.

SEC. 2. Section 4759.1 is added to said code, to read:

4759.1. (a) There is granted to every district the right to construct, operate and maintain outfall, intercepting and trunk sewerlines, other than ocean outfall lines and other terminal outfall lines, together with pumps and like machinery necessary for sewage transportation, across, along, in, under, over or upon any road, street, alley, avenue or highway within any city, in such a manner as to afford security for life and property. For the purposes of this section the term "terminal outfall lines" means any outfall sewerlines that discharge within the city any effluent from a sewage treatment plant or any sewage. Any use, under this section, of a public highway now or hereafter constituted a state highway shall be subject to the provisions of Chapter 3 (commencing with Section 660) of Division 1 of the Streets and Highways Code.

(b) A district exercising its rights under this section shall restore the road, street, alley, avenue or highway so used to its former state of usefulness as nearly as may be, and shall locate such sewerlines and machinery so as to interfere as little as possible with other existing uses of such road, street, alley, avenue or highway.

(c) Before any district uses any street, alley, avenue or highway within any city, it shall request the city in which the street, alley, avenue or highway is situated to agree with it upon the location of such sewerlines and machinery and the terms and conditions to which the construction, operation and maintenance of such sewerlines shall be subject.

(d) If the district and the city are unable to agree on the terms and conditions and location of such sewerlines and machinery within three months after a proposal to do so, the district may bring an action in the superior court of the county in which the street, alley, avenue or highway is situated against the city to have the terms and conditions and location determined. The superior court may determine and adjudicate the terms and conditions to which the use of the street, alley, avenue or highway shall be subject, and the location thereof, and upon the making of the final judgment the district may enter and use the street, alley, avenue or highway upon the terms and conditions and at the location specified in the judgment.

CHAPTER 531

An act to amend and renumber Section 5781.10, and to repeal Section 5783.7, as added by Chapter 2181, Statutes 1959, of the Public Resources Code, relating to recreation and park districts.

[Approved by Governor May 21, 1963. Filed with Secretary of State May 21, 1963.]

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

SECTION 1. Section 5781.10 of the Public Resources Code is amended and renumbered to read:

5783.7. One hundred days before each district general election the district board shall cause to be published a notice to the effect that petitions of nomination may be filed for the office or offices of member of the district board to be filled at the election.

If on the 60th day prior to a general district election only one person has been nominated for each of the positions to be filled at that election or no person has been nominated for any such office or offices, and a petition signed by five percent (5%) of the voters requesting that the election be held has not been presented to the district board by the 40th day prior to the election, an election shall not be held.

SEC. 2. Section 5783.7 of said code, as added by Chapter 2181, Statutes 1959, is repealed.

CHAPTER 532

An act to add Section 5784.35 to the Public Resources Code, relating to recreation and park districts.

[Approved by Governor May 21, 1963. Filed with Secretary of State May 21, 1963.]

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

SECTION 1. Section 5784.35 is added to the Public Resources Code, to read:

5784.35. Notwithstanding the provisions of Section 5784.18, the district board may, by resolution, establish a district revolving fund for the purpose of receiving and disbursing moneys, other than funds received from any tax levy or from sale of bonds or from loans, received by the district from anyone for its use in conducting or supervising special recreational activities. Said revolving fund shall be subject to audit as provided in Section 26909 of the Government Code.

The resolution which establishes the district revolving fund shall designate all of the following:

(a) A general description of the nature of the funds which are to be deposited in the fund.

(b) The bank which shall be the depositary of the fund.

(c) The officers of the district whose signatures are required to authorize disbursements from the fund.

(d) The purposes for which moneys deposited in the fund may be expended.

(e) The officer of the district who shall be responsible for keeping account of all receipts and disbursements from the fund.

CHAPTER 533

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

[Approved by Governor May 21, 1963. Filed with Secretary of State May 21, 1963.]

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

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

29802. Any warrant issued for the giving of aid and payable to an indigent, a needy aged person, a needy child, a needy disabled person, or a needy blind person, or issued for the giving of such aid and payable to the guardian, trustee, disbursing agent, or any custodian of the funds or estate of any of them is void if not presented to the county treasurer for payment within six months after its date.

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

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

Anytime within five years from the date on which the original warrant became void, the payee on any warrant which is void as provided in this section, except a warrant issued for the giving of aid, may present such warrant to the governing body of the agency on which the warrant was drawn, and the governing body of such agency may adopt an order instructing the county auditor to draw a new warrant in favor of the payee in the same amount as the original warrant. Any such new warrant shall be subject to the limitations of presentation within two years.

CHAPTER 534

An act to amend Sections 4089, 4222, 4223, 4240, and 4351 of, and to repeal Section 4059 of, the Business and Professions Code, relating to pharmacy.

[Approved by Governor May 21, 1963. Filed with Secretary of State May 21, 1963.]

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

SECTION 1. Section 4089 of the Business and Professions Code is amended to read:

4089. Each applicant for registration as a registered pharmacist shall be of good moral character and temperate habits; he shall be a citizen of the United States, or, shall be eligible for citizenship. A license issued to a person not a citizen of the United States, shall terminate and become void at the end of seven years from the date of issuance if such person has not then become a citizen. A license so terminated may be reissued by the board at any time thereafter upon evidence of citizenship and an explanation of the delay satisfactory to the board. If citizenship is later denied to any person registered under this chapter, then such denial of citizenship shall automatically cancel all such registration and privileges.

SEC. 2. Section 4222 of said code is amended to read:

4222. Except as provided in Sections 4226 and 4226.5, every person who furnishes any hypnotic drug to any other person shall first obtain from the board an hypnotic license for each separate office, shop, store or other place of business, which license shall expire on the 31st day of October of each odd-numbered year, if not renewed. The fees for issuance and renewal of such license shall be set by the board as provided in subdivision (k) of Section 4416.

Every person who obtains an hypnotic license shall, within 15 days of its receipt, furnish the board with a dated inventory of all hypnotic drugs in his possession. A copy of such inventory shall be kept on file in the place of business of the licensee for a period of three years, subject to inspection by authorized officers of the law.

An hypnotic license is nontransferable. Any person who acquires a business wherein the former owner holds an hypnotic license and possesses any hypnotic drugs, shall file with the board at the time of his application for an hypnotic license an inventory of all hypnotic drugs which are to be acquired by such transfer of ownership. The provisions of this section do not apply when hypnotic drugs are combined or compounded with medicinal drugs which render such combination or compound unfit for hypnotic use

SEC. 3. Section 4223 of said code is amended to read:

4223. The board shall supply a book at cost of serially numbered triplicate hypnotic drugs purchase order forms to each person licensed under the provisions of Section 4222.

SEC. 4. Section 4240 of said code is amended to read:

4240. The board, if after open hearing following due notice to persons who have filed written requests for such notice to the board it shall find any drug to be dangerous to the public health or safety, may make other rules, not inconsistent with this chapter, limiting or restricting the furnishing of such drug. Any violation of any such rule shall be punished in the same manner as is respectively provided in Sections 4233, 4234 and 4235.

SEC. 5. Section 4351 of said code is amended to read:

4351. The willful making to the board or its authorized representative of any false, written statement which is material to the administration or enforcement of any provision of this chapter, constitutes a ground for the suspension or revocation of the maker's license, certificate or permit issued by the board.

SEC. 6. Section 4059 of said code is repealed.

CHAPTER 535

An act to add Section 27013 to the Government Code, relating to local agency funds.

[Approved by Governor May 21, 1963. Filed with Secretary of State May 21, 1963.]

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

SECTION 1. Section 27013 is added to the Government Code, to read:

27013. Notwithstanding any other provision of law, any treasurer, or other authorized county officer, who invests, deposits or otherwise handles funds for public agencies for the purpose of earning interest or other income on such funds as permitted by law, may deduct from such interest or income, before distribution thereof, the actual administrative cost of such investing, depositing or handling of funds and of distribution of such interest or income. Such cost reimbursement shall be paid into the county general fund.

CHAPTER 536

An act to amend Sections 29400, 29401, 29402, 29404, 29405, 29406, 29407, 29408, 29430, 29431, 29432, 29433, 29435, 29436, 29437, 29438, 29439, and 29440 of the Government Code, relating to county officers' special funds.

[Approved by Governor May 21, 1963. Filed with Secretary of State May 21, 1963.]

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

SECTION 1. Section 29400 of the Government Code is amended to read:

29400. There is a district attorney's special appropriation in each county.

SEC. 2. Section 29401 of said code is amended to read:

29401. At the beginning of each fiscal year in counties having a population of 90,000 or more, the board of supervisors shall make available to the district attorney's special appropriation an amount sufficient to make the sum of five thousand dollars ($5,000) in the special appropriation. The board may transfer additional amounts to the special appropriation.

SEC. 3. Section 29402 of said code is amended to read:

29402. At the beginning of each fiscal year in all other counties, the board of supervisors shall make available to the district attorney's special appropriation an amount sufficient to make the sum in the district attorney's special appropriation the amount determined by the board, not to exceed two thousand five hundred dollars ($2,500).

SEC. 4. Section 29404 of said code is amended to read:

29404. The district attorney may use the special appropriation to pay:

(a) His expenses incurred in criminal cases arising in the county.

(b) Expenses necessarily incurred by him in the detection of crime, other than those declared to be misdemeanors by the Vehicle Code.

(c) Expenses in civil actions, proceedings, or other matters in which the county is interested.

SEC. 5. Section 29405 of said code is amended to read:

29405. On the presentation by the district attorney of his requisition to the auditor, the auditor shall draw his warrant in favor of the district attorney on the special appropriation for such amounts as the district attorney requires. The treasurer shall pay the warrant.

SEC. 6. Section 29406 of said code is amended to read:

29406. The district attorney shall file vouchers with the auditor at the end of each fiscal year, showing the disposition he has made of any money received from the special appropriation and the particular purpose for which it was spent. If at the end of the fiscal year a criminal proceeding is pending or under investigation, the vouchers as to any money spent in the

proceeding or investigation need not be filed until the trial of the proceeding is ended or the investigation concluded.

SEC. 7. Section 29407 of said code is amended to read:

29407. The district attorney's special appropriation is in addition to any other appropriations at his disposal, and this article does not limit or affect any provision of law relative to the expenses of the district attorney which are incurred by him and paid as other county claims after allowance by the board of supervisors.

SEC. 8. Section 29408 of said code is amended to read:

29408. This article does not apply to any county operating under a charter making provision for a similar appropriation.

SEC. 9. Section 29430 of said code is amended to read:

29430. There is a sheriff's special appropriation in each county having a population of 90,000 or more.

SEC. 10. Section 29431 of said code is amended to read:

29431. At the beginning of each fiscal year in counties having a population of 500,000 or more, the board of supervisors shall make available to the sheriff's special appropriation an amount sufficient to make the sum of five thousand dollars ($5,000) in the sheriff's special appropriation; provided, however, that the board of supervisors may make available to the sheriff's special appropriation additional amounts sufficient to make the total sum in the sheriff's special appropriation a sum not exceeding twenty thousand dollars ($20,000).

SEC. 11. Section 29432 of said code is amended to read:

29432. At the beginning of each fiscal year in counties having a population of 90,000 but less than 500,000, the board of supervisors shall make available to the sheriff's special appropriation an amount sufficient to make the sum in the sheriff's special appropriation the sum determined by the board, not to exceed two thousand five hundred dollars ($2,500).

SEC. 12. Section 29433 of said code is amended to read:

29433. In counties having a population of less than 90,000, the board of supervisors may establish a sheriff's special appropriation in such sum as it determines, not to exceed two thousand five hundred dollars ($2,500).

SEC. 13. Section 29435 of said code is amended to read:

29435. The sheriff may use the appropriation for:

(a) His expenses incurred in criminal cases arising in the county.

(b) Expenses necessarily incurred by him in the preservation of peace.

(c) Expenses necessarily incurred by him in the suppression of crime.

SEC. 14. Section 29436 of said code is amended to read:

29436. On the presentation by the sheriff of his requisition to the auditor, the auditor shall draw his warrant in favor of the sheriff on the special appropriation for such amounts as the sheriff requires. The treasurer shall pay the warrant.

SEC. 15. Section 29437 of said code is amended to read:

29437. The sheriff shall file vouchers with the auditor at the end of the fiscal year and may file vouchers from time to time during the year showing the disposition he has made of any money received from the special appropriation and the particular purpose for which it was spent. If at the end of the fiscal year a criminal proceeding is pending or under investigation, the vouchers as to any money spent in the proceeding or investigation need not be filed until the trial of the proceeding is ended or the investigation concluded.

SEC. 16. Section 29438 of said code is amended to read:

29438. Upon the filing of vouchers at any time, the board may reimburse the special appropriation in a sum not to exceed the amount accounted for by the vouchers. The reimbursement shall be made in the same manner as the establishment of the appropriation.

SEC. 17. Section 29439 of said code is amended to read:

29439. The sheriff's special appropriation is in addition to any other appropriations at his disposal, and this article does not limit or affect any provision of law relative to the expenses of the sheriff which are incurred by him and paid as are other county claims, after allowance by the board of supervisors.

SEC. 18. Section 29440 of said code is amended to read:

29440. The provisions of this article relating to the sheriff's special appropriation do not apply to any county operating under a charter making provision for a similar appropriation.

CHAPTER 537

An act to add Section 21114 to the Vehicle Code, relating to traffic regulations.

[Approved by Governor May 21, 1963. Filed with Secretary of State May 21, 1963.]

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

SECTION 1. Section 21114 is added to the Vehicle Code, to read:

21114. If a local authority finds that a city street or county road under its jurisdiction adjacent to an airport has been specifically designed and constructed, with the prior approval of the local authority, so as to safely permit the use thereof by regular vehicular traffic and also the taxiing of aircraft thereon between the airport and the place where such aircraft are hangared or tied down, the local authority may by resolution or ordinance designate such street or road or portion thereof for such combined use and prescribe rules and regulations therefor which shall have the force of law. No such street or road shall be so designated for a distance of more than one-half mile from the airport, provided, the finding of the local

authority in this respect shall be conclusive. Upon such designation becoming effective, it shall be the sole responsibility of the local authority to enforce the provisions of the Vehicle Code and all rules and regulations adopted by it upon such street or road. Upon such designation becoming effective it shall be lawful to taxi aircraft upon such street or road in accordance with the rules and regulations prescribed as aforesaid and said aircraft need not be licensed under this code or comply with other provisions thereof.

CHAPTER 538

An act to abolish the School Land Fund and provide for the disposition of its unencumbered balance.

[Approved by Governor May 21, 1963. Filed with Secretary of State May 21, 1963.]

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

SECTION 1. The School Land Fund is abolished. Any unencumbered balance in the School Land Fund on the operative date of this section shall be transferred to the General Fund within 60 days of the operative date of this section. The transfer of such balance to the General Fund shall be subject to the provisions of Chapter 2 (commencing with Section 16346) of Part 2, Division 4, Title 2 of the Government Code.

SEC. 2. This act shall become operative only if the repeal of Section 4 of Article IX of the Constitution as proposed at the 1963 Regular Session of the Legislature is approved by the voters, and in such case this act shall become operative on the first day of the fiscal year next succeeding the approval of such repeal by the voters.

CHAPTER 539

An act to amend Sections 1132 and 1071 of the Education Code, relating to school districts.

[A.B. 313 having remained with the Governor 10 days (Sundays excepted), and the Legislature being in session, it became law without his signature. (See Section 9516, Government Code.) Filed with Secretary of State May 22, 1963.]

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

SECTION 1. Section 1132 of the Education Code is amended to read:

1132. The governing board of any school district may subscribe for membership in, or otherwise become a member of, any national, state or local organization of governing boards

of school districts or members thereof which has for its primary purpose the promotion and advancement of public education through research and investigation, and the co-operation with persons and associations whose interests and purposes are the betterment of the educational opportunities of the children of the State.

SEC. 2. Section 1071 of said code, as proposed to be added by Senate Bill No. 718 of the 1963 Regular Session, is amended to read:

1071. The governing board of any school district may:

(a) Conduct studies through research and investigation as are determined by it to be required in connection with the present and future management, conditions, needs, and financial support of the schools; or join with other school district governing boards in the conduct of such studies.

(b) Install and maintain exhibits of educational programs and activities of the school district at any county fair held in the county in which the district is located in whole or in part, or at any agricultural district fair held in the county in which the school district is located in whole or in part.

(c) Inform and make known to the citizens of the district, the educational programs and activities of the schools therein.

(d) Subscribe for membership for any school under its jurisdiction in any society, association, or organization which has for its primary purpose the promotion and advancement of public or private education.

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

(f) Select a member or members of the board to attend meetings of any society, association, or organization for which the school district has subscribed for membership, or any convention to which it may pay the expenses of any employee.

SEC. 3. Section 2 of this act becomes operative only if Division 4 of the Education Code, as proposed to be added by Senate Bill No. 718 of the 1963 Regular Session is enacted by the Legislature at such session, and in such case at the same time as said Division 4 takes effect, at which time Section 1132 of the Education Code amended by Section 1 of this act is repealed.

CHAPTER 540

An act to add Section 34316.1 to the Health and Safety Code, relating to security for deposits of funds of housing authorities.

[Approved by Governor May 22, 1963. Filed with Secretary of State May 22, 1963.]

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

SECTION 1. Section 34316.1 is added to the Health and Safety Code, to read:

34316.1. To secure the funds of a housing authority deposited with a bank or other depositary, the bank or other depositary shall deposit with the authority, or with the officer of the authority designated by it, securities of the kinds described in subdivisions (a) to (e), inclusive, of Section 53651 of the Government Code.

The provisions of Sections 53655, 53657, 53659, 53660, 53661, 53662, 53665, 53666, 53671, 53672, 53673, 53673.5, 53675, 53676, and 53677 of the Government Code shall apply to the securities given to secure the funds of a housing authority. Where the term "treasurer" is used in such sections, it shall mean "housing authority" or the official designated by it to act hereunder, and where the term "local agency" is used in such sections, it shall mean "housing authority."

CHAPTER 541

An act to amend Section 5784.22 of the Public Resources Code, relating to recreation and park districts.

[Approved by Governor May 22, 1963. Filed with Secretary of State May 22, 1963.]

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

SECTION 1. Section 5784.22 of the Public Resources Code is amended to read:

5784.22. The district may acquire all necessary and proper lands and facilities, or any portion thereof, by means of a plan to borrow money or by purchase on contract. The amount of indebtedness to be incurred shall not exceed an amount equal to the anticipated tax income for a two-year period, and all such indebtedness which is incurred on or after October 1, 1963 shall be repaid in approximately equal annual installments during a period not to exceed 10 years from the date on which it is incurred and shall bear interest at a rate not exceeding 6 percent per annum payable annually or semiannually or in part annually and in part semiannually. Each such indebtedness shall be authorized by a resolution adopted

by the affirmative votes of at least four-fifths of the members of the district board and shall be evidenced by a promissory note or contract signed by at least four-fifths of the members of the district board. At the time of making the general tax levy after incurring each such indebtedness and annually thereafter until such indebtedness is paid or until there is a sum in the treasury set apart for that purpose sufficient to meet all payments of principal and interest on such indebtedness as they become due, a tax shall be levied and collected sufficient to pay the interest on such indebtedness and such part of the principal as will become due before the proceeds of a tax levied at the next general tax levy will be available. The indebtedness authorized to be incurred by this section shall be in addition to, and the provisions of this section shall not apply to, any bonded indebtedness authorized by vote of the electors.

CHAPTER 542

An act to amend Section 27063 of the Government Code, relating to county treasurer's reports.

[Approved by Governor May 22, 1963. Filed with Secretary of State May 22, 1963.]

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

SECTION 1. Section 27063 of the Government Code is amended to read:

27063. Not later than the 25th day of each month, the treasurer shall file with the board of supervisors a detailed report of all money received and disbursed by him during the preceding report period which shall be no less frequent than monthly, so that the receipts into the treasury and the amounts of disbursements for the period will distinctly appear. The report shall be filed and preserved by the clerk of the board.

CHAPTER 543

An act to add Section 16578 to the Public Utilities Code, relative to public utility districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 22, 1963. Filed with Secretary of State May 22, 1963.]

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

SECTION 1. Section 16578 is added to the Public Utilities Code, to read:

16578. A district may accept, without limitation by any other provisions of this division requiring approval of indebt-

edness, contributions or loans from the United States, or any department, instrumentality, or agency thereof, for the purpose of financing the construction, maintenance, and operation of any enterprise in which the district is authorized to engage, and may enter into contracts and co-operate with, and accept co-operation from, the United States, or any department, instrumentality, or agency thereof, in the construction, maintenance, and operation, and in financing the construction, maintenance, and operation, of any such enterprise in accordance with any legislation which Congress may have heretofore adopted or may hereafter adopt, under which aid, assistance, and co-operation may be furnished by the United States in the construction, maintenance, and operation or in financing the construction, maintenance, and operation of any such enterprise. A district may do any and all things necessary in order to avail itself of such aid, assistance, and co-operation under any federal legislation now or hereafter enacted. Any evidence of indebtedness issued under this section shall constitute a negotiable instrument.

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

Rapidly increasing demands for new and additional utility services require public utility districts to seek emergency financing; in the case of Truckee Public Utility District particularly, growth of demand requires immediate action in the construction of new and improved plant. Loans and grants from federal agencies are available upon favorable terms relative to private financing, and the enactment of this addition to the Public Utilities Code, in language similar to that applicable to many other districts, and identical with that possessed by the municipal utility districts under Section 12844 of the same code, is necessary to clarify the legal authority under state law to obtain such loans or grants.

CHAPTER 544

An act to amend Sections 28548 and 28551 of the Health and Safety Code, relating to restaurants.

[Approved by Governor May 22, 1963. Filed with Secretary of State May 22, 1963.]

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

SECTION 1. Section 28548 of the Health and Safety Code is amended to read:

28548. Handwashing facilities, in good repair, shall be provided for employees within or adjacent to toilet rooms and

shall be equipped with hot and cold running water. Handwashing detergent or soap and sanitary towels or hot-air blowers shall be provided at handwashing facilities in permanently installed dispensing devices.

No person shall begin or resume work in a restaurant after visiting the toilet without first washing his hands. Legible signs shall be posted in each toilet room directing attention to this requirement.

SEC. 2. Section 28551 of said code is amended to read:

28551. Toilet paper, handwashing detergent or soap, and sanitary towels or hot-air blowers shall be provided at all times when the restaurant is in operation.

CHAPTER 545

An act to add Section 3113.6 to the Education Code, relating to school district organization.

[Approved by Governor May 22, 1963. Filed with Secretary of State May 22, 1963.]

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

SECTION 1. Section 3113.6 is added to the Education Code, to read:

3113.6. At any public meeting held pursuant to law concerning a proposed recommendation for the reorganization of a school district or a change in school district boundaries at which members of the county committee or the county superintendent of schools, or a representative of such committee or superintendent, participate and present their views on the recommendation, the agency conducting such meeting shall give reasonable notice of the time and place thereof to the governing board of any school district actually or prospectively affected by such recommendation, and the members of any such board, or their representative, shall be given a reasonable opportunity to express their views on the recommendation at such meeting.

CHAPTER 546

An act to amend Section 50 of the Antelope Valley-East Kern Water Agency Law (Chapter 2146, commencing with Section 49, of the Statutes of 1959), relating to the Antelope Valley-East Kern Water Agency, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 22, 1963. Filed with Secretary of State May 22, 1963.]

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

SECTION 1. Section 50 of the Antelope Valley-East Kern Water Agency Law (Chapter 2146, commencing with Section 49, of the Statutes of 1959) is amended to read:

Sec. 50. The Antelope Valley-East Kern Water Agency is hereby created, organized and incorporated and shall be managed as herein expressly provided and may exercise the powers herein expressly granted or necessarily implied, and may include contiguous or noncontiguous parcels of both unincorporated and incorporated territory and territory included in any public district having similar powers and shall include all territory, except Section 9 of, and the north $\frac{1}{2}$, and the north $\frac{1}{2}$ of the southwest $\frac{1}{4}$, of Section 16 of, Township 6 North, Range 12 West, San Bernardino Base and Meridian, lying within the following described boundaries:

Beginning at the northwesterly corner of Section 2, Township 8 North, Range 17 West, San Bernardino Base and Meridian; thence southerly along the westerly line of said last mentioned section and continuing southerly along section lines to the southwesterly corner of Section 11 of said last mentioned township and range; thence easterly along the southerly line of said last mentioned section and continuing easterly along section lines to the northeasterly corner of Section 17, Township 8 North, Range 16 West, S.B.B. & M.; thence southerly along the easterly line of said last mentioned section and continuing southerly along section lines to the boundary of the Antelope Valley Soil Conservation District as same existed on March 13, 1959; thence easterly along said last mentioned boundary and following the same in all its various courses to the northeasterly corner of Section 17, Township 9 North, Range 7 West, S.B.B. & M.; thence northerly along the easterly boundary of the County of Kern as same existed on said last mentioned date to the northeasterly corner of Section 1, Township 31 South, Range 40 East, Mount Diablo Base and Meridian, a point on the northerly boundary of the Edwards Town Community Services District as same existed on said last mentioned date; thence westerly along the northerly boundary of said last mentioned district and following the same in all its various courses to the southeasterly corner of Section 36, Township 30 South, Range 38 East, M.D.B. & M.; thence northerly along the easterly line of said last mentioned

section and continuing northerly along section lines to the northeasterly corner of Section 1, said last mentioned township and range; thence westerly along the northerly line of said last mentioned section and continuing westerly along section lines to the northeasterly corner of Section 1, Township 30 South, Range 36 East, M.D.B. & M ; thence southerly along the easterly line of said last mentioned section and continuing southerly along section lines to the southeasterly corner of Section 36, said last mentioned township and range; thence westerly along the southerly line of said last mentioned section and continuing westerly along section lines to the northwesterly corner of Section 6, Township 31 South, Range 36 East, M.D.B. & M.; thence southerly along the westerly line of said last mentioned section and continuing southerly along section lines to the southwesterly corner of Section 31, Township 32 South, Range 36 East, M.D.B. & M.; thence westerly and southerly along the northerly and westerly lines of fractional Section 33, Township 12 North, Range 12 West. S.B.B & M.; to the northeasterly corner of Section 5, Township 11 North, Range 12 West, S.B.B. & M.; thence westerly along the northerly line of said last mentioned section and continuing westerly along section lines to the northwesterly corner of Section 6, Township 11 North, Range 13 West, S.B.B. & M.; thence southerly along the westerly line of said last mentioned section and continuing southerly along section lines to the boundary of the Antelope Valley Soil Conservation District; thence westerly along said last mentioned boundary to the northwesterly corner of Section 6, Township 10 North, Range 14 West, S.B.B. & M.; thence southerly along the westerly line of said last mentioned section and continuing southerly along section lines to the southeasterly corner of Section 36, Township 10 North, Range 15 West, S.B.B. & M.; thence westerly along the southerly line of said last mentioned section to the northwesterly corner of Section 1, Township 9 North, Range 15 West, S.B.B. & M.; thence southerly along the westerly line of said last mentioned section and continuing southerly along section lines to the southeasterly corner of Section 23 of said last mentioned township and range; thence westerly along the southerly line of said last mentioned section and continuing westerly along section lines to the southeasterly corner of Section 19 of said last mentioned township and range; thence northerly and westerly along the easterly and northerly lines of said last mentioned section and continuing westerly along section lines to the northwesterly corner of Section 19, Township 9 North, Range 16 West, S.B B. & M.; thence southerly along the westerly line of said last mentioned section and continuing southerly along section lines to the southeasterly corner of Section 25, Township 9 North, Range 17 West, S B.B & M ; thence westerly along the southerly line of said last mentioned section and continuing westerly along section lines to the northwesterly corner of Section 35 of said last mentioned township and range; thence southerly

along the westerly line of said last mentioned section to the point of beginning; excluding all the following described land (except that which is within the Los Angeles County Waterworks Districts Nos. 24 and 27 as their boundaries exist on the effective date of this act) beginning at the NW corner of Sec. 22, T 6 N, R 12 W, SBBM, thence southerly along the west line, Secs. 22, 27, 34 to the north line, T 5 N, thence westerly on the north line of T 5 N to the NW corner of Sec. 4, T 5 N, R 12 W, SBBM; thence southerly along the section lines in T 5 N R 12 W to the southerly boundary of the Antelope Valley Soil Conservation District as same existed on March 14, 1959; thence southerly, easterly, and northerly along said last mentioned boundary and following the same in all of those various courses to the east ¼ corner of Sec. 13 T 5 N R 8 W, SBBM; thence westerly along the center section lines of Secs. 13, 14, 15, 16, 17, 18, T 5 N R 8 W, Secs. 13, 14, 15, 16, 17, 18 T 5 N R 9 W, and Secs. 13, 14, 15, T 5 N R 10 W; thence northerly along the westerly lines of Secs. 15, 10 and 3, T 5 N R 10 W; thence easterly along the north line of T 5 N to the SE corner, Sec 34, T 6 N R 10 W; thence northerly along easterly lines of Sec. 34 and 27 to the NE corner of Sec. 27, T 6 N R 10 W; thence westerly along the north section lines of Secs. 27, 28, 29, 30, T 6 N R 10 W and along the north lines of Secs. 25, 26, 27, T 6 N R 11 W to the SE corner of Sec. 21, T 6 N R 11 W; thence northerly along the east line of Sec. 21 to the NE corner of said Sec. 21; thence westerly along the north lines of Secs. 21, 20 and 19, T 6 N R 11 W and along the north line of Sec. 24, T 6 N R 12 W to the south ¼ corner of Sec. 13, T 6 N R 12 W; thence northerly along the center line of said Section 13 to the center of said Sec. 13; thence westerly to the W ¼ corner of Sec. 13; thence southerly to the SW corner of said Sec. 13; thence westerly along the northern line of Secs. 23 and 22, T 6 N R 12 W, SBBM to the point of beginning.

SEC. 2. The property in the territory excluded from the Antelope Valley-East Kern Water Agency by this act shall continue to be subject to taxation to pay the principal and interest on any indebtedness of that agency, and on any indebtedness of an improvement district in which such property is situated, which is incurred prior to the effective date of this act.

As used in this section, "indebtedness" means any bond, formation warrant, or promissory note for the payment of which property in the district is taxable.

The property in the territory excluded from the agency shall continue to be subject to taxation to pay any obligations incurred by the agency pursuant to the contract with the State under the California Water Resources Development Bond Act until the territory excluded has been annexed to another water district which has a similar contract with the State for a supplementary water supply from the State Water Facilities.

The property in the territory excluded from the agency shall not be subject to annexation to the agency for a period of one year from the effective date of this act.

SEC. 3. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

These boundary changes must be made immediately so that the area excluded can join another water district in time to meet the deadline for contracting with the Department of Water Resources for a supplementary water supply from the State Water Facilities. It is therefore necessary that this act take immediate effect.

CHAPTER 547

An act to amend Sections 24003, 24405, 24407, 24409, and 25400 of the Vehicle Code, relating to lamps on vehicles.

[Approved by Governor May 24, 1963 Filed with Secretary of State May 24, 1963.]

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

SECTION 1. Section 24003 of the Vehicle Code is amended to read:

24003. No vehicle shall be equipped with any lamp or illuminating device not required or permitted in this code, nor shall any lamp or illuminating device be mounted inside a vehicle unless specifically permitted by this code. This section does not apply to:

(a) Interior lamps such as door, brake and instrument lamps, and map, dash, and dome lamps designed and used for the purpose of illuminating the interior of the vehicle.

(b) Lamps needed in the operation or utilization of those vehicles mentioned in Section 25801, or vehicles used by public utilities in the repair or maintenance of their service, or used only for the illumination of cargo space of a vehicle while loading or unloading.

(c) Approved warning lamps mounted inside an authorized emergency vehicle.

SEC. 2. Section 24405 of said code is amended to read:

24405. Not more than four lamps with a beam intensity greater than 300 candlepower each may be lighted on the front of a vehicle at any one time, except that not to exceed six such lamps on the front of an authorized emergency vehicle may be lighted at any one time. This section does not apply to turn signal lamps.

SEC. 3. Section 24407 of said code is amended to read:

24407. Multiple-beam road lighting equipment shall be designed and aimed as follows:

(a) There shall be an uppermost distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least 350 feet ahead for all conditions of loading

(b) There shall be a lowermost distribution of light, or composite beam so aimed and of sufficient intensity to reveal a person or vehicle at a distance of at least 100 feet ahead. On a straight level road under any condition of loading none of the high intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

SEC. 4. Section 24409 of said code is amended to read:

24409. Whenever a motor vehicle is being operated during darkness, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

(a) Whenever the driver of a vehicle approaches an oncoming vehicle within 500 feet, he shall use a distribution of light or composite beam so aimed that the glaring rays are not projected into the eyes of the oncoming driver.

The lowermost distribution of light specified in this article shall be deemed to avoid glare at all times regardless of road contour.

(b) Whenever the driver of a vehicle follows another vehicle within 200 feet to the rear, he shall use the lowermost distribution of light specified in this article.

SEC. 5. Section 25400 of said code is amended to read:

25400. (a) Any vehicle may be equipped with a lamp or device on the exterior of the vehicle that emits a diffused nonglaring light of not more than 0.05 candlepower per square inch of area.

(b) Any diffused nonglaring light shall not display red to the front, but may display other colors A diffused nonglaring light shall not resemble nor be installed within 12 inches or in such position as to interfere with the visibility or effectiveness of any required lamp, reflector, or other device upon the vehicle.

(c) A diffused nonglaring lamp or device shall be limited in size to an area of 720 square inches and where any lease, rental, or donation is involved the installation of the lamp or device shall be limited to those vehicles operated either primarily within business or residential districts or municipalities, or between business districts, residential districts, and municipalities in close proximity.

CHAPTER 548

An act to amend Section 34011 of the Vehicle Code, relating to transportation of flammable liquids.

[Approved by Governor May 24, 1963. Filed with Secretary of State May 24, 1963.]

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

SECTION 1. Section 34011 of the Vehicle Code is amended to read:

34011. The State Fire Marshal shall, by regulation, establish a schedule of fees to be paid by an applicant for the inspection of a cargo tank and the issuance of a certificate of compliance. The fees shall be sufficient to cover the costs of the administration and enforcement of this division, but shall not exceed the amounts set forth in the following table, in accordance with volumetric capacity and number of compartments:

Total capacity, gallons	Compartmentation	Maximum fee
More than 120 to 500	Single or multiple compartment tank	$2
More than 500 to 1,500	Single compartment tank	$5
More than 500 to 1,500	Multiple compartment tank	$10
More than 1,500	Single or multiple compartment tank	$10

CHAPTER 549

An act to amend Section 8031 of the Business and Professions Code, relating to certified shorthand reporters.

[Approved by Governor May 24, 1963. Filed with Secretary of State May 24, 1963.]

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

SECTION 1. Section 8031 of the Business and Professions Code is amended to read:

8031. The amount of the fees required by this chapter is that fixed by the following schedule:

(a) The fee for filing an application for each examination is twenty-five dollars ($25).

(b) The initial certificate fee is an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued, except that, if the certificate will expire less than one year after its issuance,

then the fee is fifty percent (50%) of the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued. The board may, by appropriate regulation, provide for the waiver or refund of the initial certificate fee where the certificate is issued less than 45 days before the date on which it will expire.

(c) The renewal fee shall be fixed by the board as follows:

(1) For renewal for the period from May 15, 1962, through April 30, 1963, at not more than twenty dollars ($20), nor less than five dollars ($5).

(2) For renewal for each of the biennial renewal periods thereafter, at not more than forty dollars ($40), nor less than ten dollars ($10).

(d) The delinquency fee is as follows:

(1) For a certificate which was suspended for failure to renew under the law in effect before October 1, 1961, the fee is an amount equal to all unpaid renewal fees accrued on or before September 30, 1961.

(2) For a certificate which expires after September 30, 1961, the fee is ten dollars ($10).

(e) The duplicate certificate fee is five dollars ($5).

CHAPTER 550

An act to amend Section 11151 of the Education Code, relating to day of attendance and maximum credit in classes for adults.

[Approved by Governor May 21, 1963. Filed with Secretary of State May 24, 1963.]

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

SECTION 1. Section 11151 of the Education Code is amended to read:

11151. In classes for adults, a day of attendance is 180 minutes of attendance but no pupil shall be credited with more than 15 clock hours of attendance during any one school week unless he is enrolled in a class in elementary subjects, a class for which high school credit is given, a class in English for foreigners, a class in citizenship, or a class in a trade or industrial subject as trade or industrial subject is defined by the State Board of Education.

CHAPTER 551

An act to amend Section 5829.2 of, and to add Section 5829.3 to, the Public Resources Code, relating to lease of small craft harbor facilities.

[Approved by Governor May 21, 1963. Filed with Secretary of State May 24, 1963.]

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

SECTION 1. Section 5829.2 of the Public Resources Code is amended to read:

5829.2. If the legislative body of a city, county, or district has acquired, constructed or improved small craft harbor facilities pursuant to an agreement or contract for a transfer pursuant to Section 5823, or a loan pursuant to Sections 5827 or 6499.5, such facilities may not be leased in whole or in part to a private concessionaire or lessee until such legislative body has published a notice pursuant to Section 6066 of the Government Code inviting bids and has otherwise complied with this section. Prior to publication of the notice the legislative body shall obtain the approval of the division to the proposed leasing of the harbor facility and to the terms and conditions of the proposed lease. The notice shall distinctly and specifically describe the harbor facilities which are to be leased and set forth the period of the time for which the facilities are to be leased, and the minimum rental to be paid under the lease. The notice shall recite that the lease will reserve to the legislative body the power to fix and determine the rates to be charged by the lessee for the use by the public of such facilities. The notice also shall recite that award of the lease by the legislative body is subject to final approval by the commission, and fix a time and place for the opening of bids by the legislative body.

At the time and place fixed in the notice the legislative body shall meet and consider all bids which have been submitted. The lease shall be awarded to the highest responsible bidder, but the award shall become final only after the award by the legislative body has been approved by the commission.

SEC. 2. Section 5829.3 is added to said code, to read:

5829.3. Notwithstanding other provisions of this chapter, if the legislative body of a city, county, or district has acquired, constructed or improved small craft harbor facilities pursuant to an agreement or contract for a transfer pursuant to Section 5823, or a loan pursuant to Sections 5827 or 6499.5, where the proposed lease area is land or water area and where the terms of the proposed lease call for the lessee to install or construct all improvements, such land or water area may be leased by the legislative body without public bidding, but only after a public hearing, public notice of which shall be given by publication for not less than once a week for two weeks in a newspaper of general circulation published in the county in which the land lies.

Prior to publication of the public notice the legislative body shall obtain the approval of the division to the proposed leasing of the harbor facility and the provisions of the proposed public notice. The public notice shall describe the land or water area which is to be leased, describe in general terms the nature of the development desired by the legislative body, and set forth the period of time for which the land or water area is to be leased, and the minimum rental to be paid under the lease. The public notice shall recite that the lease will reserve to the legislative body the power to fix and determine the rates to be charged by the lessee for the use by the public of facilities developed by the lessee. The public notice also shall recite that award of the lease by the legislative body is subject to final approval by the commission, and fix a time and place for the public hearing by the legislative body. The public notice shall invite proposals for leasing from any and all interested parties.

At the time and place fixed in the public notice of hearing the legislative body shall meet and consider the lease proposal submitted. The award of the lease shall become final only after the award by the legislative body has been approved by the commission.

CHAPTER 552

An act to amend Section 20708 of, and to repeal Section 12406 of, the Business and Professions Code, relating to weights and measures.

[Approved by Governor May 24, 1963. Filed with Secretary of State May 24, 1963.]

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

SECTION 1. Section 12406 of the Business and Professions Code is repealed.

SEC. 2. Section 20708 of said code is amended to read:

20708. "Sell" or any of its variants, as used in this chapter, includes attempt to sell, offer for sale or assist in the sale of, permit to be sold or offered for sale or delivery or offer for delivery, trade, barter or expose for sale.

"Manufacturer" includes manufacturer, refiner, producer or importer.

"Petroleum products" includes gasoline, liquefied petroleum gas when used as a motor fuel, distillate, kerosene, other motor fuel or lubricating oil or motor oil.

"Barrel," when applied to petroleum products, shall consist of 42 gallons.

CHAPTER 553

An act to add Article 7 (commencing with Section 31900) to Chapter 5 of Division 22 of the Education Code, relating to school district elections.

[Approved by Governor May 24, 1963. Filed with Secretary of State May 24, 1963.]

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

SECTION 1. Article 7 (commencing with Section 31900) is added to Chapter 5 of Division 22 of the Education Code, to read:

Article 7. Notice of Election

31900. There shall appear on each card or other notice sent to voters to inform them of an election to be held pursuant to this code the following statement:

Notice: If you expect to be absent from your election precinct on election day, will be unable to vote in your election precinct by reason of physical disability, or will be unable to go to your polling place because the tenets of your religion prevent you from doing so throughout the day of election, you may apply, in person or by mail, for an absent voter's ballot at the office of the _____ (indicate appropriate official). Your application must reach the office of the _____ (indicate appropriate official) by _____ (indicate final date for submitting applications).

CHAPTER 554

An act to amend Section 12106 of the Business and Professions Code, relating to weight and scale reports.

[Approved by Governor May 24, 1963. Filed with Secretary of State May 24, 1963.]

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

SECTION 1. Section 12106 of the Business and Professions Code is amended to read:

12106. The department shall, at least once annually and as often as requested by the Department of Finance or the executive officer of a state institution, test the scales, weights and measures used in checking the receipt and disbursement of supplies in any state institution, and shall report in writing its findings to the executive officer of the institution concerned.

CHAPTER 555

An act to amend Sections 8952, 10051, 10052, and 10053 of, and to add Sections 8953, 8954, 8955 and 10054 to, the Revenue and Taxation Code, relating to state taxes.

[Approved by Governor May 24, 1963 Filed with Secretary of State May 24, 1963.]

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

SECTION 1. Section 8952 of the Revenue and Taxation Code is amended to read:

8952. If any user is delinquent in the payment of any obligation imposed under this part, or in the event a determination has been made against such a user which remains unpaid, the board may, not later than three years after the payment becomes delinquent, or within three years after the last recording of a certificate under Section 8996, give notice thereof, personally or by registered mail to all persons, including any officer or department of the State or any political subdivision or agency of the State, having in their possession or under their control any credits or other personal property belonging to the user, or owing any debts to the user. In the case of any state officer, department or agency, the notice shall be given to such officer, department or agency prior to the time it presents the claim of the delinquent taxpayer to the State Controller.

SEC. 2. Section 8953 is added to said code, to read:

8953. After receiving the notice the persons so notified shall neither transfer nor make any other disposition of the credits, other personal property, or debts in their possession or under their control at the time they receive the notice until the board consents to a transfer or disposition or until 60 days elapse after the receipt of the notice, whichever period expires the earlier.

SEC. 3. Section 8954 is added to said code, to read:

8954. All persons so notified shall forthwith after receipt of the notice advise the board of all credits, other personal property, or debts in their possession, under their control, or owing by them. If such notice seeks to prevent the transfer or other disposition of a deposit in a bank or other credits or personal property in the possession or under the control of a bank, the notice to be effective shall be delivered or mailed to the branch or office of such bank at which such deposit is carried or at which such credits or personal property is held.

SEC. 4. Section 8955 is added to said code, to read:

8955. If, during the effective period of the notice to withhold, any person so notified makes any transfer or disposition of the property or debts required to be withheld, to the extent of the value of the property or the amount of the debts thus transferred or paid, he shall be liable to the State for any indebtedness due under this part from the person with respect

to whose obligation the notice was given if solely by reason of such transfer or disposition the State is unable to recover the indebtedness of the person with respect to whose obligation the notice was given.

SEC. 5. Section 10051 of said code is amended to read:

10051. If any operator is delinquent in the payment of any obligation imposed under this part, or in the event a determination has been made against such an operator which remains unpaid, the Controller may, not later than three years after the payment becomes delinquent, or within three years after the last recording of a certificate under Section 10099, give notice thereof, personally or by registered mail to all persons, including any officer or department of the State or any political subdivision or agency of the State, having in their possession or under their control any credits or other personal property belonging to the operator, or owing any debts to the operator. In the case of any state officer, department or agency, the notice shall be given to such officer, department or agency prior to the time it presents the claim of the delinquent taxpayer to the State Controller.

SEC. 6. Section 10052 of said code is amended to read:

10052. After receiving the notice the persons so notified shall neither transfer nor make any other disposition of the credits, other personal property, or debts in their possession or under their control at the time they receive the notice until the Controller consents to a transfer or disposition or until 60 days elapse after the receipt of the notice, whichever period expires the earlier.

SEC. 7. Section 10053 of said code is amended to read:

10053. All persons so notified shall forthwith after receipt of the notice advise the Controller of all such credits, other personal property, or debts in their possession, under their control, or owing by them. If such notice seeks to prevent the transfer or other disposition of a deposit in a bank or other credits or personal property in the possession or under the control of a bank, the notice to be effective shall be delivered or mailed to the branch or office of such bank at which such deposit is carried or at which such credits or personal property is held.

SEC. 8. Section 10054 is added to said code, to read:

10054. If, during the effective period of the notice to withhold, any person so notified makes any transfer or disposition of the property or debts required to be withheld, to the extent of the value of the property or the amount of the debts thus transferred or paid he shall be liable to the State for any indebtedness due under this part from the person with respect to whose obligation the notice was given if solely by reason of such transfer or disposition the State is unable to recover the indebtedness of the person with respect to whose obligation the notice was given.

CHAPTER 556

An act to amend Sections 8752, 8753, 8754, 8755, 8776, 8782, 8801, 8804, 9255, 9352 and 9353 of the Revenue and Taxation Code, relating to the Use Fuel Tax Law.

[Approved by Governor May 24, 1963. Filed with Secretary of State May 24, 1963.]

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

SECTION 1. Section 8752 of the Revenue and Taxation Code is amended to read:

8752. On or before the 25th day of each month, every user shall file on forms prescribed by the board a return showing the amount of fuel used during the preceding calendar month by the user in this State, the amount of any tax due, and such other information as the board may require to carry out the purposes of this part, except that the provisions of this section shall not be applicable to any user whose sole use of fuel subject to the tax imposed by this part is for the propulsion of a privately operated passenger automobile, provided that the fuel used in this State, except fuel brought into this State in the fuel tank of the vehicle, is purchased from and delivered into the fuel tank of the vehicle by a vendor holding a permit issued under this part.

SEC. 2. Section 8753 of the Revenue and Taxation Code is amended to read:

8753. The user shall accompany each return with a remittance payable to the board for the amount of tax due.

SEC. 3. Section 8754 of the Revenue and Taxation Code is amended to read:

8754. The board for good cause may extend for not to exceed one month the time for making any return or paying any tax required under this part. The extension may be granted at any time; provided, a request therefor is filed with the board within or prior to the period for which the extension may be granted.

Any user to whom an extension is granted shall pay, in addition to the tax, interest at the rate of one-half of 1 percent per month, or fraction thereof, from the date on which the tax would have been due without the extension to the date of payment.

SEC. 4 Section 8755 of the Revenue and Taxation Code is amended to read:

8755. The board, if it deems it necessary in order to insure payment of the tax imposed by this part, or to facilitate the administration of this part, may require returns and payment of the tax to be made for other than monthly periods

SEC. 5. Section 8776 of the Revenue and Taxation Code is amended to read:

8776 If the board is dissatisfied with the return filed, it may compute and determine the amount to be paid upon the

basis of any information available to it. One or more deficiency determinations may be made of the amount of tax due for one or for more than one month. When a business is discontinued a determination may be made at any time thereafter, within the periods specified in Section 8782, as to liability arising out of that business, irrespective of whether the determination is issued prior to the due date of the liability as otherwise specified in this part.

SEC. 6. Section 8782 of the Revenue and Taxation Code is amended to read:

8782. Except in the case of fraud, intent to evade the tax, or failure to make a return, every notice of a deficiency determination shall be given within three years after the date when the amount should have been reported or within three years after the return is filed, whichever period expires the later. If the user fails to make a return, the notice of determination shall be mailed within eight years after the date the return was due

SEC. 7. Section 8801 of the Revenue and Taxation Code is amended to read:

8801. If any user fails to make a return, the board shall make an estimate of the amount of fuel used by the user which is subject to the tax. The estimate shall be made for the month or months in respect to which the user failed to make a return and shall be based upon any information available to the board. Upon the basis of this estimate the board shall compute and determine the amount required to be paid to the State, adding to the sum thus fixed a penalty equal to 10 percent thereof. One or more determinations may be made for one or for more than one month.

SEC. 8. Section 8804 of the Revenue and Taxation Code is amended to read:

8804. If the failure of a user to file a return is due to fraud or an intent to evade the tax, a penalty of 25 percent of the amount required to be paid by the user, exclusive of penalties, shall be added thereto in addition to the 10-percent penalty provided in Section 8801.

SEC. 9. Section 9255 of the Revenue and Taxation Code is amended to read:

9255. It is unlawful for the board or any person having an administrative duty under this part to make known in any manner whatever the business affairs, operations, or information obtained by an investigation of records and equipment of any user visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures, or any particular thereof set forth or disclosed in any return, or to permit any return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person Information respecting the tax due from a user may be furnished, however, to any person owning or having an interest in a motor vehicle subject to the lien of the tax. The Governor may, by general or special order, author-

ize examination by other state officers, by tax officers of another state, by the federal government, if a reciprocal arrangement exists, or by any other person of the records maintained by the board under this part. The information so obtained pursuant to the order of the Governor shall not be made public except to the extent and in the manner that the order may authorize that it be made public. Successors, receivers, trustees, executors, administrators, assignees, and guarantors, if directly interested, may be given information as to the items included in the measure and amounts of any unpaid tax or amounts of tax required to be collected, interest and penalties.

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

SEC. 10. Section 9352 of the Revenue and Taxation Code is amended to read:

9352. Any person who fails or refuses to file any return required to be made, or who fails or refuses to furnish a supplemental return or other data required by the board is guilty of a misdemeanor and subject to a fine of not exceeding five hundred dollars ($500) for each offense

SEC. 11. Section 9353 of the Revenue and Taxation Code is amended to read:

9353. Any person required to make, render, sign, or verify any return who makes any false or fraudulent return with intent to defeat or evade the determination required by law to be made is guilty of a misdemeanor. He shall for each offense be fined not less than three hundred dollars ($300) and not more than five thousand dollars ($5,000), or be imprisoned for not exceeding one year in the county jail, or be subject to both fine and imprisonment in the discretion of the court.

CHAPTER 557

An act to amend Sections 8764, 8764.5 and 8768 of, and to repeal Section 8766.5 of, the Business and Professions Code, relating to land surveyors.

[Approved by Governor May 24, 1963. Filed with Secretary of State May 24, 1963.]

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

SECTION 1. Section 8764 of the Business and Professions Code is amended to read:

8764. The record of survey shall show:

(a) All monuments found, set, reset, replaced or removed, describing their kind, size and location, and giving other data relating thereto.

(b) Bearing or witness monuments, basis of bearings, bearing and length of lines, and scale of map.

(c) Name and legal designation of tract or grant in which the survey is located and ties to adjoining tracts.

(d) Memorandum of oaths.

(e) Certificates required by Section 8764.5.

(f) Any other data necessary for the intelligent interpretation of the various items and locations of the points, lines and areas shown.

SEC. 2. Section 8764.5 of said code is amended to read:

8764.5. Certificates shall appear on the map as follows:

SURVEYOR'S CERTIFICATE

This map correctly represents a survey made by me or under my direction in conformance with the requirements of the Land Surveyors' Act at the request of _____
Name of Person Authorizing Survey
in _____, 19____. (When applicable the following shall be added.) This record of survey is excluded from the Subdivision Map Act by subparagraph _____ of Section 11535.

(Signed and sealed) _____
L.S. (or R.C.E.) No. _____

COUNTY SURVEYOR'S CERTIFICATE

This map has been examined for conformance with the requirements of the Land Surveyors' Act this _____ day of _____, 19____.

(Signed) _____
County Surveyor

RECORDER'S CERTIFICATE

Filed for record this _____ day of _____, 19____, at _____ .m. in Book ____ of _____ at page ____, at the request of _____.

(Signed) _____
County Recorder

No other certificates or statements shall appear on the map except those of a technical nature affecting the locations of the survey lines or monuments represented on the map.

SEC. 3. Section 8766.5 of said code is repealed.

SEC. 4. Section 8768 of said code is amended to read:

8768. If the matters appearing on the record of survey cannot be agreed upon by the licensed land surveyor or the registered civil engineer and the county surveyor within 28 calendar days from the date of submission, an explanation of the differences shall be noted on the map and it shall be presented by the county surveyor to the county recorder for filing.

CHAPTER 558

An act to amend Sections 7656, 9854, 30185 and 32253 of the Revenue and Taxation Code, relating to state taxes.

[Approved by Governor May 24, 1963. Filed with Secretary of State May 24, 1963.]

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

SECTION 1. Section 7656 of the Revenue and Taxation Code is amended to read:

7656. The board for good cause may extend for not to exceed one month the time for making any report or return or paying any tax required under this part. The extension may be granted at any time; provided, a request therefor is filed with the board within or prior to the period for which the extension may be granted.

Any distributor to whom an extension is granted shall pay, in addition to the tax, interest at the rate of one-half of 1 percent per month, or fraction thereof, from the date on which the tax would have been due without the extension to the date of payment.

SEC. 2. Section 9854 of said code is amended to read:

9854. The board for good cause may extend for not to exceed one month the time for making any return or payment required under this part. The extension may be granted at any time; provided, a request therefor is filed with the board within or prior to the period for which the extension may be granted.

Any operator to whom an extension is granted shall pay, in addition to the tax, interest at the rate of one-half of 1 percent per month, or fraction thereof, from the date on which the tax would have been due without the extension to the date of payment.

SEC. 3. Section 30185 of said code is amended to read:

30185. Except as otherwise provided in Section 30172, the board for good cause may extend for not to exceed one month the time for making any report or paying any amount of tax required under this part. The extension may be granted at any time provided a request therefor is filed with the board within or prior to the period for which the extension may be granted.

Any person to whom an extension is granted pursuant to this section shall pay, in addition to the amount of tax, interest at the rate of one-half of 1 percent per month, or fraction thereof, from the date on which the amount of tax would have been due without the extension to the date of payment.

SEC. 4. Section 32253 of said code is amended to read:

32253. The board for good cause may extend for not to exceed one month the time for making any report or paying any tax. Any person to whom an extension is granted and who pays the tax within the period for which the extension is

granted shall pay, in addition to the tax, interest at the rate of one-half of 1 percent per month or fraction thereof from the date the tax would have been due without the extension to the date of payment.

CHAPTER 559

An act to add Section 432.5 to the Labor Code, relating to employment.

[Approved by Governor May 24, 1963. Filed with Secretary of State May 24, 1963.]

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

SECTION 1. Section 432.5 is added to the Labor Code, to read:

432.5. No employer, or agent, manager, superintendent, or officer thereof, shall require any employee or applicant for employment to agree, in writing, to any term or condition which is known by such employer, or agent, manager, superintendent, or officer thereof to be prohibited by law.

CHAPTER 560

An act to repeal Sections 11201 and 11202 of the Business and Professions Code, and to add Sections 2985.2, 2985.3 and, 2985.4 to, and to amend Section 2985 of, the Civil Code, and to add Section 506b to the Penal Code, relating to real estate sales contracts.

[Approved by Governor May 24, 1963. Filed with Secretary of State May 24, 1963.]

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

SECTION 1. Section 11201 of the Business and Professions Code is repealed.

SEC. 2. Section 11202 of said code is repealed.

SEC. 3. Section 2985.2 is added to the Civil Code, to read:

2985.2. Any person, or the assignee of such person, who sells a parcel of land under a sales contract which is not recorded and who thereafter causes an encumbrance or encumbrances not consented to in writing by the parties upon such property in an amount which, together with existing encumbrances thereon exceeds the amount then due under the contract, or under which the aggregate amount of any periodic payments exceeds the periodic payments due on the contract, excluding any pro rata amount for insurance and taxes, shall be guilty of a public offense punishable by a fine not exceeding five thousand dollars ($5,000), or by imprisonment in the

state prison not exceeding five years, or in the county jail not exceeding one year, or by both such fine and imprisonment.

SEC. 4. Section 2985.3 is added to said code, to read:

2985.3. Every seller of improved or unimproved real property under a real property sales contract, or his assignee, who knowingly receives an installment payment from the buyer under a real property sales contract at a time when there is then due any payment by the seller, or his assignee, on an obligation secured by an encumbrance on the property subject to the real property sales contract, and who appropriates such payment received from the buyer to a use other than payment of the amount then due on the seller's or assignee's obligation, except to the extent the payment received from the buyer exceeds the amount due from the seller or assignee, is guilty of a public offense punishable by a fine not exceeding five thousand dollars ($5,000), or by imprisonment in the state prison not exceeding five years, or in the county jail not exceeding one year, or by both such fine and imprisonment.

SEC. 5. Section 2985.4 is added to said code, to read:

2985.4. Every seller of improved or unimproved real property under a real property sales contract who receives pro rata payments for insurance and taxes shall hold these amounts in trust for the purpose designated. These amounts shall not be disbursed for any other purpose without the consent of the payor and any person or corporation holding an encumbrance on the property.

This section shall not apply to a state- or federal-supervised assignee of a seller who as agent for the seller receives and disburses payments.

SEC. 6. Section 2985 of said code is amended to read:

2985. A real property sales contract is an agreement wherein one party agrees to convey title to real property to another party upon the satisfaction of specified conditions set forth in the contract and which does not require conveyance of title within one year from the date of formation of the contract.

SEC. 7. Section 506b is added to the Penal Code, to read:

506b. Any person who violates Sections 2985.3 or 2985.4 of the Civil Code, relating to real property sales contracts, is guilty of a public offense punishable by a fine not exceeding five thousand dollars ($5,000), or by imprisonment in the state prison not exceeding five years, or in the county jail not exceeding one year, or by both such fine and imprisonment.

CHAPTER 561

An act to amend Sections 2601 and 2660 of the Business and Professions Code, relating to physical therapy.

[Approved by Governor May 24, 1963. Filed with Secretary of State May 24, 1963.]

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

SECTION 1. Section 2601 of the Business and Professions Code is amended to read:

2601. "Physical therapy" means the treatment of any bodily or mental condition of any person by the use of the physical, chemical, and other properties of heat, light, water, or electricity, and by massage and active or passive exercise. The use of roentgen rays and radioactive materials, for diagnostic and therapeutic purposes, and the use of electricity for surgical purposes, including cauterization, are not authorized under the term "physical therapy" as used herein.

SEC. 2. Section 2660 of said code is amended to read:

2660. The term "physical therapy" shall mean the treatment of any bodily or mental condition of any person by the use of the physical, chemical, and other properties of heat, light, water, electricity, massage, and active, passive, and resistive exercise. The use of roentgen rays and radioactive materials, for diagnostic and therapeutic purposes, and the use of electricity for surgical purposes, including cauterization, are not authorized under the term "physical therapy" as used herein, and a license issued hereunder shall not authorize the diagnosis of disease.

CHAPTER 562

An act to amend Section 12710 of the Business and Professions Code, relating to public weighmasters.

[Approved by Governor May 24, 1963. Filed with Secretary of State May 24, 1963.]

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

SECTION 1. Section 12710 of the Business and Professions Code is amended to read:

12710. When any commodity is sold subject to public weighmaster weights, such weights shall be the true net weight. Net weight is the correct or actual weight of the commodity excluding the weight of the container or conveyance. Actual weight shall mean the weight obtained from one draft of vehicle loads. In determining the net weight of any commodity, the entire weight of the vehicle and load must rest on the scale at one time. When a licensed weighmaster issues a public or

private weighmaster certificate for the gross or tare or net weight of any vehicle or combination of vehicles, the entire weight of the vehicle or combination of vehicles shall rest upon the scale at one time.

CHAPTER 563

An act to amend Section 70141.7 of the Government Code, relating to salaries of commissioners.

[Approved by Governor May 24, 1963. Filed with Secretary of State May 24, 1963.]

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

SECTION 1. Section 70141.7 of the Government Code is amended to read:

70141.7. In any county with a population exceeding 503,000 and not exceeding 600,000, as determined by the 1960 federal census, the superior court may provide that the commissioner, in addition to the duties prescribed in Section 259 of the Code of Civil Procedure, shall perform the duties prescribed by Section 259a of the Code of Civil Procedure and in addition thereto the duties of a probate commissioner appointed pursuant to Section 69897 of this code. Any commissioner authorized to perform such duties shall receive an annual salary of fifteen thousand dollars ($15,000) and shall be allowed actual traveling expenses pursuant to Section 70148.

CHAPTER 564

An act to amend Section 21706 of the Vehicle Code, relating to following emergency vehicles.

[Approved by Governor May 24, 1963. Filed with Secretary of State May 24, 1963.]

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

SECTION 1. Section 21706 of the Vehicle Code is amended to read:

21706. No motor vehicle, except an authorized emergency vehicle, shall follow within 300 feet of any authorized emergency vehicle of a fire department, police department, sheriff's department or the California Highway Patrol which is responding to an emergency call.

This section shall not apply to a police or traffic officer when serving as an escort within the purview of Section 21057.

CHAPTER 565

An act to amend Section 25260 of, and to add Sections 25261 and 25262 to the Government Code, relating to county boards of supervisors.

[Approved by Governor May 24, 1963. Filed with Secretary of State May 24, 1963.]

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

SECTION 1. Section 25260 of the Government Code is amended to read:

25260. The board of supervisors may by resolution create one or more working capital funds. The board may make available such amounts as are necessary to establish each fund and to maintain its solvency. At the beginning of any fiscal year the board may provide by resolution for the transfer of any or all of the moneys in any fund created pursuant to this section or for the abolishment of any such fund.

Each working capital fund may be used to finance internal service activities rendered to the various departments and agencies of the county or to the districts governed by the board of supervisors, or to finance those activities performed by the county for any local governmental agency by agreement with the governing body of such agency. The fund may finance (1) equipment, (2) materials, (3) supplies, (4) services, and (5) all expenses incurred in establishing and operating the service activities.

The board may provide for the fixing and collection of charges from the recipients of activities financed by the fund, and such charges may include all expense in providing the service activity, including operational cost and depreciation.

All funds created pursuant to this section shall be accounted for as prescribed by the county auditor or controller.

SEC. 2. Section 25261 is added to said code, to read:

25261. The board may by resolution create one or more enterprise funds. The board may make available such amounts as are necessary to establish each fund and to maintain its solvency. At the beginning of any fiscal year the board may by resolution transfer part or all of the amounts in any fund created pursuant to this section or may abolish any such fund.

The board shall provide for the fixing of charges for all services performed by the enterprise. Such charges may include all costs including depreciation. All funds created pursuant to this section shall be presented separately in the county budget and financial report and shall be subject to the same budgeting and accounting controls applicable to county operating funds.

As used in this section "enterprise fund" means a fund which accounts for services furnished to the general public and which is financed primarily by charges for such services.

SEC. 3. Section 25262 is added to said code, to read:

25262. The county budget may contain an amount for an equipment replacement reserve within a fund. The amount written as depreciation may accumulate from year to year but shall not exceed the original cost of the item of equipment for which it has been accumulated. The appropriate amounts in the reserve shall be made available for expenditure in the year that these items are replaced or permanently removed from service.

CHAPTER 566

An act to amend Section 395.1 of the Military and Veterans Code, relating to returning to public employment after military duty.

[Approved by Governor May 24, 1963. Filed with Secretary of State May 24, 1963.]

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

SECTION 1. Section 395.1 of the Military and Veterans Code is amended to read:

395.1. (a) Notwithstanding any other provision of law to the contrary, any public officer, deputy, assistant, or employee of the State, or of any city, county, city and county, school district, water district, irrigation district, or any other district, political corporation, political subdivision, or governmental agency thereof who, in time of war or national emergency as proclaimed by the President or Congress, or when any of the armed forces of the United States are serving outside of the United States or their territories pursuant to order or request of the United Nations, or while any national conscription act is in effect, leaves or has left his office or position prior to the end of the war, or the termination of the national emergency or during the effective period of any such order or request of the United Nations or prior to the expiration of the National Conscription Act, to join the armed forces of the United States and who does or did without unreasonable and unnecessary delay join the armed forces or, being a member of any reserve force or corps of any of the armed forces of the United States or of the militia of this State, is or was ordered to duty therewith by competent military authority and served or serves in compliance with such orders, shall have a right, if released, separated or discharged under conditions other than dishonorable, to return to and re-enter upon the office or position within three months after the termination of his active service with the armed forces, but not later than six months after the end of the war or national emergency or military or police operations under the United Nations or after the Governor finds and proclaims that, for the purposes of this section, the war, national emergency, or United Nations military or

police operation no longer exists, or after the expiration of the National Conscription Act, if the term for which he was elected or appointed has not ended during his absence; provided, that such right to return to and re-enter upon the office or position shall not extend to or be granted to such public officer, deputy, assistant, or employee of the State, or of any city, county, city and county, school district, water district, irrigation district or any other district, political corporation, political subdivision or governmental agency thereof, who shall fail to return to and re-enter upon his office or position within 12 months after the first date upon which he could terminate or could cause to have terminated his active service with the armed forces of the United States or of the militia of this State. He shall also have a right to return to and re-enter upon the office or position during terminal leave from the armed forces and prior to discharge, separation or release therefrom.

(b) Upon such return and re-entry to the office or employment the officer or employee shall have all of the rights and privileges in, connected with, or arising out of the office or employment which he would have enjoyed if he had not been absent therefrom; provided, however, such officer or employee shall not be entitled to sick leave, vacation or salary for the period during which he was on leave from such governmental service and in the service of the armed forces of the United States.

If the office or position has been abolished or otherwise has ceased to exist during his absence, he shall be reinstated in a position of like seniority, status and pay if such position exists, or to a comparable vacant position for which he is qualified.

(c) Any officer or employee other than a probationer who is restored to his office or employment pursuant to this act shall not be discharged from such office or position without cause within one year after such restoration, and shall be entitled to participate in insurance or other benefits offered by the employing governmental agency pursuant to established rules and practices relating to such officers or employees on furlough or leave of absence in effect at the time such officer or employee left his office or position to join the armed forces of the United States.

CHAPTER 567

An act to amend Section 1801 of the Military and Veterans Code, relating to solicitation for veterans' benefit.

[Approved by Governor May 20, 1963. Filed with Secretary of State May 24, 1963.]

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

SECTION 1. Section 1801 of the Military and Veterans Code is amended to read:

1801. It is unlawful for any person to do any of the following acts:

(a) To hawk, peddle, vend, offer to sell, give away, or offer to give away any poppy, badge, or label, which appears to be, or is represented directly or indirectly as being, sponsored, endorsed, or offered by any veterans' organization, when such poppy, badge, or label is not so sponsored, endorsed, or offered by any veterans' organization.

(b) To represent in any way, directly or indirectly, that any poppy, badge, or label is sponsored, endorsed, or is being offered by a veterans' organization when it is in fact not so sponsored, endorsed, or offered by that veterans' organization.

(c) To represent in any way, directly or indirectly that any act of solicitation of the contribution of funds or property or for the purchase or sale of any merchandise or services is sponsored, endorsed, or made by or at the request of a veterans' organization when it is not in fact so sponsored, endorsed, or made by that veterans' organization.

(d) To manufacture, process, assemble or distribute, or offer for sale, any poppy, badge, or label which appears to be, or is represented directly or indirectly as being, sponsored, endorsed, or offered by any veterans' organization, when such poppy, badge, or label is not so sponsored, endorsed, or offered by any veterans' organization.

Any person, whether or not an honorably discharged soldier, sailor, or marine of the United States, and whether or not licensed to hawk, peddle, or vend goods, wares, or merchandise, who violates this section is guilty of a misdemeanor.

CHAPTER 568

An act to add Section 3359.1 to the Education Code, relating to transfer of funds, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 24, 1963. Filed with Secretary of State May 24, 1963.]

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

SECTION 1. Section 3359.1 is added to the Education Code, to read:

3359.1. Notwithstanding any provision of this code to the contrary, whenever two unified school districts were formed during the 1962-63 school year from territory comprising a portion of a joint union high school district and the joint union high school district had allocated a specified amount in its building fund for school construction in the territory which subsequently was included in one of the newly formed unified school districts, the governing board of the joint union high school district may, upon request of such newly formed unified

school district, transfer such allocated amount into the building fund of such newly formed unified school district prior to July 1, 1963.

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

In order to provide funds to newly reorganized school districts for school construction planned for territory included in the new district prior to the reorganization, and which funds were allocated for such purpose prior to the reorganization, and thus to enable such new districts to provide essential facilities for the pupils of the district, it is necessary that this act take effect immediately.

CHAPTER 569

An act to amend Section 6536 of the Business and Professions Code, relating to barbers.

[Approved by Governor May 24, 1963 Filed with Secretary of State May 24, 1963.]

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

SECTION 1. Section 6536 of the Business and Professions Code is amended to read:

6536. No college shall enroll or admit any student thereto unless the student prepares in duplicate a duly verified application. The application shall be in the form and contain the matters the board prescribes and shall be obtained by the student or the college from the board.

One copy of the application shall be retained by the college enrolling or admitting the student and the other copy shall be filed by the college with the board.

Any student who has filed an application for enrollment or attendance at a college as required by this section shall not be required to file another application to attend theory classes at another approved college which is in the immediate area of and under the same administration and ownership as the college at which he is enrolled; provided, adequate records are maintained at each separate college where the student is in training.

If the board determines from the information contained in the application filed with it that the applicant may not be eligible to take the examination after graduation in compliance with Section 6546, it shall give the applicant written notice thereof, stating the reason for the board's conclusion. An applicant receiving such a notice from the board may request a hearing thereon. Such notice shall be mailed from the office of the board within 30 days from the date the application for

enrollment is received by the board. The hearing shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

CHAPTER 570

An act to amend Section 35401 of the Vehicle Code, relating to vehicles.

[Approved by Governor May 24, 1963. Filed with Secretary of State May 24, 1963.]

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

SECTION 1. Section 35401 of the Vehicle Code is amended to read:

35401. (a) No combination of vehicles coupled together, including any attachments thereto, shall exceed a total length of 60 feet, except as provided in subdivision (b).

(b) The following combinations of vehicles coupled together, including any attachments thereto, may exceed a total length of 60 feet but may not exceed a total length of 65 feet:

(1) Truck and trailer.

(2) Truck tractor, semitrailer and trailer. In this combination of vehicles, a semitrailer equipped with an auxiliary dolly shall be considered a trailer.

Any city or county may, by ordinance, prohibit such combinations of vehicles of a total length in excess of 60 feet upon highways under their respective jurisdiction. Such an ordinance shall not be effective until appropriate signs are erected indicating either the streets affected by the ordinance or the streets not affected, as the local authorities determine will best serve to give notice of the ordinance.

CHAPTER 571

An act to amend Section 1012 of the Military and Veterans Code, relating to veterans' institutions.

[Approved by Governor May 24, 1963. Filed with Secretary of State May 24, 1963.]

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

SECTION 1. Section 1012 of the Military and Veterans Code is amended to read:

1012. The home is for aged and disabled persons who served in the armed forces of the United States during a war period as defined by law; who were discharged under honorable conditions from such service, and who are eligible for hospitalization or domiciliary care in a veterans' facility in

accordance with the rules and regulations of the United States Veterans Administration, and who have been bona fide residents of this State for five years immediately preceding the date of application. The property of the home shall be used for this purpose. The provisions of this section shall not be retroactive.

CHAPTER 572

An act making an appropriation to the Department of Water Resources for the repair and restoration of the Daguerre Point Debris Dam on the Yuba River, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 24, 1963. Filed with Secretary of State May 24, 1963.]

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

SECTION 1. The appropriation made by Item 446.7, Budget Act of 1958, as amended by Section 12, Budget Act of 1960, shall be available, in addition to the purposes for which made available by Assembly Bill No. 1253 of the 1963 Regular Session, for expenditure by the Department of Water Resources pursuant to Sections 340 to 342, inclusive, of the Water Code for repair and restoration of the Daguerre Point Debris Dam on the Yuba River, including preliminary investigation in connection therewith, and including reimbursement of the General Fund for any expenditures made therefrom for such purposes.

Expenditures by the Department of Water Resources pursuant to this act shall not exceed the sum of one million twenty thousand dollars ($1,020,000).

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

The present condition of the Daguerre Point Debris Dam on the Yuba River is such that serious damage to public and private property could result from debris floating down the Yuba, Feather and Sacramento Rivers. In order that said dam may be repaired and restored at the earliest possible time, thereby avoiding such serious damage to public and private property, it is essential that this act go into immediate effect.

CHAPTER 573

An act to amend Section 13402 of the Education Code, relating to re-employment of permanent certificated employees.

[Approved by Governor May 24, 1963. Filed with Secretary of State May 24, 1963.]

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

SECTION 1. Section 13402 of the Education Code is amended to read:

13402. Whenever any certificated employee of any school district who, at the time of his resignation, was classified as permanent, is re-employed within 39 months after his last day of paid service, the governing board of the district shall, disregarding the break in service, classify him as, and restore to him all of the rights, benefits and burdens of, a permanent employee, except as otherwise provided in this code; provided, that time spent in active military service, as defined in Section 13552, subsequent to the last day of paid service shall not count as part of the aforesaid 39-month period; and provided further, that any such employee who has engaged in active military service subsequent to his last paid service and who resigned more than 39 months prior to October 1, 1949, shall be deemed to have complied with all requirements of this section if he is or has been re-employed before July 1, 1950.

CHAPTER 574

An act to add Article 8 (commencing with Section 31130) to Chapter 1 of Part 5 of Division 12 of the Water Code, relating to county water districts.

[Approved by Governor May 24, 1963. Filed with Secretary of State May 24, 1963.]

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

SECTION 1. Article 8 (commencing with Section 31130) is added to Chapter 1 of Part 5 of Division 12 of the Water Code, to read:

Article 8. Recreational Facilities

31130. Subject to the approval of any public health authority with jurisdiction, a district may use any water under its control for recreational purposes and in connection therewith may acquire, construct, maintain, and operate any works or facilities appropriate or ancillary to the recreational use of water.

31131. A district may prescribe reasonable rules and regulations to govern the use of such facilities, including regulations imposing reasonable charges for the use thereof. A district is not required to charge for the use of such facilities.

31132. A district may not exercise the power of eminent domain to acquire any land or interest therein solely for recreational purposes.

CHAPTER 575

An act to add Chapter 5a (commencing with Section 571) to Title 7 of Part 2 of the Code of Civil Procedure, relating to undertakings of receivers, referees, and commissioners.

[Approved by Governor May 24, 1963. Filed with Secretary of State May 24, 1963.]

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

SECTION 1. Chapter 5a (commencing with Section 571) is added to Title 7 of Part 2 of the Code of Civil Procedure, to read:

CHAPTER 5A. UNDERTAKING OF PERSONS HANDLING PRIVATE PROPERTY OR FUNDS

571. Whenever a receiver, referee, or commissioner is appointed by a court of record, and the duties of such receiver, referee, or commissioner will, or are reasonably anticipated to, involve the custody of personal property or the receipt or disbursement of moneys, the order of appointment shall provide that before entering upon his duties, such receiver, referee, or commissioner, with two or more sureties, approved by the court or judge, shall execute an undertaking to the State of California, to the effect that he will faithfully discharge the duties of receiver, referee, or commissioner, as the case may be, and obey the orders of the court therein.

The order of appointment shall specify the amount of the undertaking, but a failure to so specify shall not invalidate the order.

CHAPTER 576

An act to add Section 11161.5 to the Penal Code, relating to reports by physicians and surgeons.

[Approved by Governor May 24, 1963. Filed with Secretary of State May 24, 1963.]

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

SECTION 1. Section 11161.5 is added to the Penal Code, to read:

11161.5. In any case, in which a minor is brought to a physician and surgeon for diagnosis or treatment, or is under his charge or care, and it appears to the physician and surgeon from observation of the minor that the minor may have been a victim of a violation of Section 273a, he shall report such fact by telephone and in writing to the head of the police department of the city or city and county, if the observation is made in a city or city and county, or to the sheriff, if the observation is made in unincorporated territory, or to the nearest child welfare agency offering child protective services. The report shall state, if known, the name of the minor, his whereabouts and the character and extent of the injuries.

The physician and surgeon shall not be required to report as provided herein if in his opinion it would not be consistent with the health, care, or treatment of the minor.

CHAPTER 577

An act to add Section 148.7 to the Penal Code, relating to false representations made for purpose of serving sentence of another.

[Approved by Governor May 24, 1963. Filed with Secretary of State May 24, 1963.]

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

SECTION 1. Section 148.7 is added to the Penal Code, to read:

148.7. Every person who, for the purpose of serving in any county or city jail, industrial farm or road camp, or other local correctional institution any part or all of the sentence of another person, or any part or all of a term of confinement that is required to be served by another person as a condition of probation, represents to any public officer or employee that he is such other person, is guilty of a misdemeanor.

CHAPTER 578

An act to add Sections 3123.1 and 3130.1 to the Education Code, and to add Sections 3259.5 and 3301.5 to Division 5 of the Education Code as enacted by Senate Bill No. 718 of the 1963 Regular Session, relating to school districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 24, 1963 Filed with Secretary of State May 24, 1963.]

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

SECTION 1. Section 3123.1 is added to the Education Code, to read as follows:

3123.1. When the territory of a high school or unified district maintaining a junior college is included in a proposal to form a junior college district, the augmented county committee may include provisions for the acquisition of property used for junior college purposes by such districts. Provisions for the acquisition of property may designate the property to be acquired and the terms upon which it shall be acquired.

SEC. 2. Section 3130.1 is added to said code, to read:

3130.1. In any proposal to form a junior college district which includes territory of high school or unified districts maintaining junior colleges, the augmented county committee may include a provision for the authorization of a tax rate for the junior college district of not more than ten cents ($0.10) for a period of not more than 10 years, which shall be in addition to the maximum rate of tax for such district established pursuant to Sections 20751 and 20803, the proceeds of which shall be used only for the purpose of paying all or a portion of the cost of acquiring real and personal property used for junior college purposes by such districts.

The property shall be acquired as provided in Section 3123.1 or, in the absence of such provision, on such terms as may be agreed upon by the governing boards of the junior college district and the high school and unified districts concerned.

The provisions authorized by this section shall be considered an integral part of the plans and recommendations of the county committee and shall not be construed as a separate proposition.

In event the revenue from the tax authorized by this section exceeds that which is needed for the acquisition of the property, the excess shall be deposited to the credit of the special reserve fund of the junior college district.

SEC. 3. Section 3259 5 is added to Division 5 of the Education Code as enacted by Senate Bill No. 718 of the 1963 Regular Session, to read:

3259.5. When the territory of a high school or unified district maintaining a junior college is included in a proposal to form a junior college district, the augmented county committee may include provisions for the acquisition of property used for junior college purposes by such districts. Provisions for the acquisition of property may designate the property to be acquired and the terms upon which it shall be acquired.

SEC. 4. Section 3301.5 is added to Division 5 of the Education Code as enacted by Senate Bill No. 718, to read:

3301.5. In any proposal to form a junior college district which includes territory of high school or unified districts maintaining junior colleges, the augmented county committee may include a provision for the authorization of a tax rate for the junior college district of not more than ten cents ($0.10) for a period of not more than 10 years, which shall be in addition to the maximum rate of tax for such districts established pursuant to Sections 20751 and 20803, the proceeds of which

shall be used only for the purpose of paying all or a portion of the cost of acquiring real and personal property used for junior college purposes by such districts

The property shall be acquired as provided in Section 3259.5 or, in the absence of such provision, on such terms as may be agreed upon by the governing boards of the junior college district and the high school and unified districts concerned.

The provisions authorized by this section shall be considered an integral part of the plans and recommendations of the county committee and shall not be construed as a separate proposition.

In event the revenue from the tax authorized by this section exceeds that which is needed for the acquisition of the property, the excess shall be deposited to the credit of the special reserve fund of the junior college district.

SEC. 5. Sections 3 and 4 of this act shall take effect only if Senate Bill No. 718 of the 1963 Regular Session is enacted, in which event they shall take effect at the same time as Senate Bill No. 718, and Sections 3123.1 and 3130.1 as added by Sections 1 and 2 of this act are repealed.

SEC. 6. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Many proposals for the formation of junior college districts are now pending under the law relating to the optional reorganization of school districts as a result of 1961 legislation for the separation of junior colleges from high schools and unified districts and formation of junior college districts. This act will provide for the transfer of the junior college property of the high school or unified districts to the new junior college districts which will be formed to serve the same territory and pupils. In order that the new junior college districts which will be formed this fiscal year may begin to function and use the existing junior college facilities during the coming school year and thus assure the continuity of education of the junior college students of this State, it is necessary that this act take effect immediately.

CHAPTER 579

An act to amend Section 4280 of the Agricultural Code, relating to fluid milk.

[Approved by Governor May 24, 1963. Filed with Secretary of State May 24, 1963.]

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

SECTION 1. Section 4280 of the Agricultural Code is amended to read:

4280. Each stabilization and marketing plan shall contain provisions for prohibiting distributors and retail stores from engaging in the unfair practices hereinafter set forth:

(a) The payment, allowance or acceptance of secret rebates, secret refunds, or unearned discounts by any person, whether in the form of money or otherwise.

(b) The giving of any milk, cream, dairy products, services or articles of any kind, except to bona fide charities, for the purpose of securing or retaining the fluid milk or fluid cream or fluid skim milk business of any customer.

(c) The extension to certain customers of special prices or services not made available to all customers who purchase fluid milk or fluid cream or fluid skim milk of like quantity under like terms and conditions.

(d) The false or misleading advertising of fluid milk or fluid cream or fluid skim milk as defined in Sections 17500, 17501, and 17502 of the Business and Professions Code.

(e) The purchase of any fluid milk in excess of 200 gallons monthly from any producer or association of producers unless a written contract has been entered into with such producer or association of producers. Such contract shall include the following: (1) the amount of fluid milk to be purchased for any period; (2) the quantity of such milk to be paid for as class 1. Such quantity shall be stated in pounds of milk or pounds of milk fat or gallons of milk; provided, that if the price to be paid for such class 1 milk is established separately for the milk fat and skim milk contained in such milk, such quantity to be paid for as class 1 shall be stated in pounds of milk or pounds of milk fat or gallons of milk or both in pounds of milk fat and pounds of skim milk separately, but in any marketing area where an equalization pool is a part of a stabilization and marketing plan, such contract need not specify the quantity of milk in any one class; (3) the price to be paid for all milk received; (4) the date and method of payment for such fluid milk, which shall be that payment shall be made for approximately one-half of the milk delivered in any calendar month not later than the first day of the next following month and the remainder not later than the 15th day of said month; (5) the charges for transportation if hauled by the distributor; and (6) a proviso to the effect that the producer shall not be obligated to deliver in any calendar month fluid milk to be paid for at or less than the minimum price for fluid milk that is used for class 3, as said class is defined in Section 4228. The contract may contain such other provisions as are not in conflict with this chapter A signed copy of such contract shall be filed by the distributor with the director within five days from the date of its execution The provisions of this subdivision do not apply to the purchase of fluid milk which is necessary to meet an unanticipated increase in demand or an unanticipated shortage in the supply of a distributor; provided, that the quantity of fluid milk so purchased from any one producer or association of producers shall not exceed 1,000

gallons in any one month; and, provided further, that a complete record of all such purchases shall be kept by the distributor and the price paid for such milk by the distributor shall not be less than the price established in the applicable stabilization and marketing plan for the usage to which such milk is applied.

(f) The purchasing, processing, bottling, transporting, delivering or otherwise handling in any marketing area of any fluid milk or fluid cream or fluid skim milk which is to be or is sold or otherwise disposed of by such distributor at any place in the geographical area within the outer, outside and external boundaries or limits of such marketing area, whether such place is a part of the marketing area or not, at less than the minimum wholesale and minimum retail prices effective in such marketing area.

(g) The payment by a distributor to any producer, including any association of producers, or the receipt by a producer, including any association of producers, from a distributor, of a lesser price for any fluid milk or fluid cream or fluid skim milk which is distributed to any person, including agencies of the federal, state or local government, located upon property within the geographical limits of any marketing area for less than the minimum prices established by the director to be paid by distributors to producers for fluid milk, or the milk fat and skim milk contained therein, or fluid cream or fluid skim milk for said marketing area. The provisions of this section with respect to fluid milk shall apply whether or not such fluid milk is received by the distributor as whole milk, or as skim milk and fluid cream, or either, or as any other derivatives of such fluid milk which are reconstituted into such fluid milk, or fluid cream or fluid skim milk for market usage, and whether or not a fluid cream plan has been established for the marketing area.

CHAPTER 580

An act to add Chapter 3 5 (commencing with Section 23900) to Part 7 of Division 11 of the Water Code, relating to irrigation districts.

[Approved by Governor May 27, 1963 Filed with Secretary of State May 27, 1963.]

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

SECTION 1. Chapter 3.5 is added to Part 7 of Division 11 of the Water Code, to read:

CHAPTER 3.5. ALTERNATIVE PROVISIONS FOR THE FORMATION OF IMPROVEMENT DISTRICTS AND THE ISSUANCE OF BONDS THEREFOR

23900. This chapter provides an alternative method for the formation of improvement districts for the purpose of co-

operating and contracting with the United States and agencies thereof pursuant to the Irrigation District Federal Co-operation Law as contained in Chapter 2 (commencing with Section 23175) of Part 6 of Division 11. The term "district" or "districts" as used in the Irrigation District Federal Co-operation Law shall include improvement districts formed pursuant to the provisions of this chapter. This chapter shall not apply to or affect any other provisions of this division for the formation of improvement districts or the incurring of indebtedness therefor.

23901. Improvement districts consisting of a portion of the territory of a district may be formed within a district and, notwithstanding any other provision in this division, bonds of the district may be issued for such improvement districts as provided in this chapter.

23902. Bonds of a district for an improvement district may be issued for the purpose of co-operating and contracting with the United States pursuant to the Irrigation District Federal Co-operation Law as contained in Chapter 2 (commencing with Section 23175) of Part 6 of Division 11.

23903. Whenever the board is of the opinion that an improvement district should be formed for the purpose set forth in this chapter, the board shall adopt a resolution of intention which shall state: (a) the intention of the board to form the proposed improvement district, (b) the purpose for which the proposed improvement district is to be formed, (c) the estimated expense of carrying out the purpose, (d) that assessments for carrying out the purpose shall be levied exclusively upon the lands in the proposed improvement district, (e) that a map showing the exterior boundaries of the proposed improvement district, which map shall govern for all details as to the extent of the proposed improvement district, is on file with the secretary of the district and is available for inspection by any person or persons interested, (f) the time and place for a hearing by the board on the formation of the proposed improvement district, the extent thereof, the purpose for which it is to be formed, the benefit to lands within the proposed improvement district from carrying out such purpose, the estimated expense of carrying out such purpose or any other matter relating to any of the foregoing, and (g) that at the time and place specified any persons interested, including all persons owning lands in the district or in the proposed improvement district, may appear and be heard.

23904. Notice of the hearing shall be given by publishing a copy of the resolution of intention in a newspaper of general circulation published in each affected county, pursuant to Section 6066 of the Government Code, the first publication to be at least fourteen (14) days prior to the time fixed for the hearing. The notice shall also be given by posting a copy of the resolution in three public places within the proposed improvement district for at least fourteen (14) days prior to the time

fixed for the hearing No notice other than that required by this section need be given.

23905. At the time and place so fixed, or at any time or place to which the hearing is continued, the board shall hold the hearing provided for by the resolution of intention, at which hearing any person interested, including all persons owning land in the district, or in the proposed improvement district, may appear and be heard concerning any matters set forth in the resolution of intention or any matters material thereto.

23906 At the hearing the board may adopt a resolution proposing modifications relating to any or all of the following: (a) a modification of the boundaries of the proposed improvement district. (b) the addition to the proposed improvement district of lands which in its opinion will be benefited by carrying out the purpose described in the resolution of intention, (c) the exclusion from the proposed improvement district of any lands described in the resolution of intention which in its opinion will not be benefited by carrying out such purpose or (d) the increasing, decreasing or otherwise modifying of the purpose stated in the resolution of intention. The resolution proposing modification shall describe the proposed modifications, state the change, if any, in the estimated expense of carrying out the purpose, and shall fix a time and place for hearing by the board thereon.

23907. The board shall not order any modifications except after publication of the resolution proposing such modifications once in the same newspaper in which the resolution of intention was published, such publication to be at least fourteen (14) days prior to the date of hearing on the proposed modifications.

23908. The hearing on any proposed modifications, or any continuance thereof, may be held at the same time and place as any continued hearing on the resolution of intention and both hearings may be held and conducted concurrently.

23909 At the conclusion of the hearing on the resolution of intention and of the hearing, if any, upon proposed modifications, the board may by resolution order the improvement district formed for the purpose and with the exterior boundaries described in the resolution of intention, or for the purpose and with the exterior boundaries as proposed to be modified in the resolution, if any, proposing modifications. The resolution ordering the district formed shall state the estimated expense of carrying out the purpose described therein. The resolution shall also number and designate the improvement district substantially as "Improvement District No. _____ of _____ District."

23910. After adopting the resolution ordering the improvement district formed, the board may provide for and call a special bond election within such improvement district to submit to the voters of the improvement district a proposition of whether or not an indebtedness of the district shall be in-

curred and bonds issued therefor in an amount not exceeding the estimate stated in the resolution ordering the improvement district formed, such indebtedness and bonds to be payable from assessments to be levied and collected upon lands within the improvement district.

23911. Except as otherwise provided in this chapter, special bond elections within an improvement district shall be called, noticed, held, conducted and the results thereof canvassed in substantially the same manner as is provided in this division for general obligation bond elections held in the entire district.

23912. If two-thirds of the votes cast upon the proposition at a special bond election held in an improvement district are in favor of the issuance of the bonds of the district for the improvement district, the board may by resolution, at such time or times as it deems proper, provide for the issuance of all or any part of such bonds.

23913. Bonds of the district for the improvement district shall be issued and sold in substantially the same manner and upon the same terms and conditions as general obligation bonds of the entire district, except that assessments for the payment of the bonds and the interest thereon shall be levied and collected from annual assessments to be levied upon and collected from lands within the improvement district. The bonds shall be issued in the name of the district and shall be designated "Bonds of ___ ____ District for Improvement District No ___" and each bond and all interest coupons shall state that the assessment for the payment thereof shall be limited to annual assessments to be levied upon and collected from the lands within the improvement district, except to the extent that provision for such payment has been made by the board, as may be permitted by law.

23914 Except to the extent that provision has otherwise been made by the board, as may be permitted by law, for the payment of the principal of and interest upon bonds of the district for the improvement district as they become due and also for the payment of the operating expenses of such improvement district, the annual estimate made by the board of the sum required by the district to discharge all of its obligations shall, in addition to the other amounts required to be included therein, include an amount sufficient to pay the principal of bonds of the district for such improvement district and the interest thereon as the same becomes due and also to pay operating expenses for the improvement district.

23915. In addition to the charges authorized to be fixed and collected pursuant to Article 3 (commencing with Section 22280) Chapter 2, Part 5 of this division, the board in lieu, in whole or in part, of raising money for the payment of the principal of and interest on bonds of the district issued for an improvement district or for the operating expenses of the improvement district, may fix and collect charges for the making of water available to the holders of title to land in the

improvement district or the occupants thereon. Such additional charges within an improvement district shall be fixed and collected in substantially the same manner and upon the same terms and conditions as is provided in Article 3 (commencing with Section 22280), Chapter 2, Part 5 of this division for charges to be fixed and collected within the entire district, except that such additional charges fixed and collected from an improvement district shall be expended only for the payment of the principal of and interest upon bonds of the district issued for the improvement district or for payment of the operating expenses of the improvement district.

23916. Except as otherwise provided in this chapter, the provisions of this division applicable to general obligation bonds of the district and assessments therefor shall, so far as consistent with this chapter, apply to general obligation bonds of the district for improvement districts therein.

23917. The treasurer shall establish a separate fund for general obligation bonds of the district for each improvement district to which shall be apportioned money properly belonging to such general obligation bond fund. The money in any separate general obligation bond fund shall be used for the payment of bonds of the district for the particular improvement district and interest thereon and until the bonded indebtedness of the district therefor is discharged shall not be used for any other purpose.

CHAPTER 581

An act to add Section 21142.5 to the Water Code, relating to irrigation districts.

[Approved by Governor May 27, 1963 Filed with Secretary of State May 27, 1963.]

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

SECTION 1. Section 21142.5 is added to the Water Code, to read:

21142.5. If the offices of assessor, collector, and treasurer in any district are held by one person, the board may fix one bond to cover all three offices within the sum of five thousand dollars ($5,000) to one hundred thousand dollars ($100,000).

CHAPTER 582

An act to add Section 1444 to the Probate Code, relating to summary proceedings for minors.

[Approved by Governor May 27, 1963. Filed with Secretary of State May 27, 1963.]

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

SECTION 1. Section 1444 is added to the Probate Code, to read:

1444. Whenever it appears to the satisfaction of the superior court by verified application of the minor concerned that the consent of a parent or guardian is necessary to permit hospital or medical care or enlistment in the armed services for or by a minor of the age of 16 years or over residing in the State of California and that such minor has no parent or guardian available to give such consent, the court may summarily grant such consent. No fee shall be charged for proceedings under this section.

CHAPTER 583

An act to amend Sections 6 and 7 of, and to add Section 6.1 to, the Lower San Joaquin Levee District Act (Chapter 1075, Statutes of 1955), relating to the Lower San Joaquin Levee District.

[Approved by Governor May 27, 1963. Filed with Secretary of State May 27, 1963.]

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

SECTION 1. Section 6 of the Lower San Joaquin Levee District Act (Chapter 1075, Statutes of 1955) is amended to read:

Sec. 6. The board shall consist of seven members. Each member shall be an owner of land within the district and, except for the members elected at the first district election held in 1964, shall serve for four-year terms and until their successors are elected and qualify.

An election for directors shall be held every two years in the even-numbered years and shall be consolidated with the direct primary election held in June. Candidates shall declare their candidacy and shall be nominated, election return shall be canvassed, the election shall be held and conducted, the results shall be declared, and the certificates of election shall be issued, in the same manner as the declaration of candidacy, nomination, election, canvassing of returns, declaration of results, and issuance of certificates of election for county officers are made, declared, held, and conducted, and issued, so far as

consistent with the provisions of this act and except as otherwise expressly provided in this act. In the conduct of district elections, the board of directors and the secretary of the district shall have the powers and duties of the board of supervisors and the county clerk, respectively, with respect to county elections.

Commencing with the election in 1964, the seven directors shall be selected on a division basis The seven divisions shall consist of the following territory:

Merced County

Division No. 1 consisting of precincts San Joaquin, Turner, New Era and Cottonwood.

Division No 2 consisting of precincts Monroe, McSwain, No. 1, Raisin, Lincoln and El Nido.

Division No 3 consisting of precincts Arroyo, Santa Rita, and Miller.

Madera County

Division No 1 consisting of precincts Ripperdan and Columbia.

Division No 2 consisting of precincts Bonita, Dairyland, Ash View and Bethel

Fresno County

Division No 1 consisting of precincts Dakota, Tranquility, Panoche, Las Deltas, Shain, Bryant and Oro Loma.

Division No. 2 consisting of precinct Poso, which includes the town of Firebaugh.

One director shall be elected from each of the seven divisions of the district, and each director shall be a resident of the division he represents. The voters in a division shall vote only for the director who represents that division.

The seven persons elected as members of the board of directors at the first district election held in 1964 shall classify themselves by lot so that four of the members shall hold office for two years and three shall hold office for four years.

Any vacancy in the board of directors shall be filled by a majority of the remaining directors. The person so selected shall hold office for the remainder of the unexpired term

The incumbent members of the board of directors on the effective date of the act enacted at the 1963 Regular Session amending this section shall continue in office until the election and qualification of their successors in 1964.

SEC 2. Section 6.1 is added to said act, to read:

Sec. 6 1. If, on the 35th day prior to the day fixed for the district election, only one person has been nominated for any elective office to be filled at that election, or no one has been nominated for such office, and if a petition signed by 5 percent of the qualified electors in the district, requesting that the district election be held, has not been presented to the board

of directors of the district, said board shall by resolution entered in their minutes order that an election shall not be held for such office in which only one person has been nominated or in which no one has been nominated. Upon adoption by the board of such a resolution it shall immediately request that the board of supervisors of the county in which the district, or a greater portion thereof, is situated, at a regular or special meeting held prior to the day fixed for the election, appoint, and the board of supervisors shall thereupon appoint to such office or offices wherein only one person has been nominated the person or persons, if any, who have been nominated. If no person has been nominated for any office, the board of supervisors shall appoint any qualified person to the office prior to the date when the election would have been held. The person appointed shall qualify and take office and serve exactly as if elected at a district election for such office. In such instances notices shall be posted in three public places in the district at least 10 days before the date fixed for the election, which notices shall state that no election is to be held for each such office and that the board of supervisors will appoint, or has appointed, the elective officers to serve for the ensuing term for any such offices.

If more than one person has been nominated for any office, an election shall be held for such office.

Notice that such appointment may be made in the event that only one or no nomination is made and no petition requesting an election is filed, shall be published in a newspaper of general circulation in the district, once, not less than seven days and not more than 14 days prior to the final day on which nominations may be made.

SEC. 3. Section 7 of said act is amended to read:

Sec. 7. The purposes of the district are to co-operate with and act as liaison between the Corps of Engineers of the United States Army, the Reclamation Board, and the Department of Water Resources in connection with the planning and construction of, and acquisition of property for, the plan of improvement for flood control and other purposes on the lower San Joaquin River and tributaries, including Tuolumne and Stanislaus Rivers, which plan is substantially in accordance with the recommendations of the Chief of Engineers in Flood Control Committee Document Numbered 2, Seventy-eighth Congress, Second Session, adopted and authorized by Section 12651 of the Water Code, or any modification of such plan made pursuant to law, and to do the following:

(a) Hold and save the United States free from damages due to the construction works.

(b) Upon completion of the construction by the State of any portion of the plan of improvement for flood control and receipt from the State of written notice of such completion, the district shall thereafter hold and save the State of California harmless from all claims, damages or liability due or incident to the design, construction, operation, repair and

maintenance of such portion of said plan of improvement for flood control whether the same be caused by the negligence of the State, or of the officers, agents, employees of the State, or otherwise.

(c) Effect the local co-operation required by the Secretary of the Army or by the State of California in connection with such plan. Such local co-operation shall consist substantially of the repair, operation, and maintenance of levees, works, structures or other facilities in connection with such plan of improvement in accordance with regulations prescribed by the Secretary of the Army and the State of California, including reporting to the Reclamation Board any actual or potential encroachments thereon, and advising the encroachee or potential encroachee of the requirements of Sections 8710 through 8723, inclusive, of the Water Code.

All activities of the district prior to the effective date of the amendment of this section enacted by the Legislature at the 1957 Regular Session in co-operating with and acting as liaison between the Corps of Engineers of the United States Army, the Reclamation Board, and the Department of Water Resources in connection with the planning and construction of, and acquisition of property for, such plan are hereby confirmed, validated, and declared legally effective.

CHAPTER 584

An act to amend Section 12609 of the Business and Professions Code, relating to containers.

[Approved by Governor May 27, 1963 Filed with Secretary of State May 27, 1963.]

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

SECTION 1. Section 12609 of the Business and Professions Code is amended to read:

12609. (a) A statement of weight shall be in terms of the avoirdupois pound and ounce, or avoirdupois pound and decimal fraction. A statement of liquid measure shall be in terms of the United States gallon of 231 cubic inches, one-half gallon, quart, pint, and fluid ounce, and, with the exception of liquid petroleum products, shall express the volume at 68° Fahrenheit (20° centigrade). A statement of dry measure shall be in terms of the United States bushel of 2,150.42 cubic inches, peck, dry quart, and dry pint. In lieu thereof, the statement of weight or measure may be in terms of the metric system of weight or measure. A statement of numerical count shall be expressed either in English words or Arabic numerals.

(b) In no case shall a declaration of quantity be qualified by the addition of the words, "when packed" or any words of

similar import, nor shall any unit of weight, measure or count be qualified by any term (such as jumbo, giant, full, or the like) that tends to exaggerate the amount of the commodity in the container.

CHAPTER 585

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

[Approved by Governor May 27, 1963 Filed with Secretary of State May 27, 1963.]

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

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

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

(a) Such agreement is in writing.

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

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

All such writings and copies are public documents.

If a county purchases, hires, or rents any apparatus specified herein pursuant to a local purchasing ordinance, including competitive bidding procedures, it does not have to comply with subdivisions (a), (b), and (c) herein to create a charge against the county. Compliance with the local purchasing ordinance shall be sufficient to create a charge against the county for said purchase, hire, or rental.

CHAPTER 586

An act to amend Section 9701 of, and to add Sections 9702 and 9702.1 to, the Education Code, relating to textbooks.

[Approved by Governor May 27, 1963. Filed with Secretary of State May 27, 1963.]

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

SECTION 1. Section 9701 of the Education Code is amended to read:

9701. Obsolete textbooks that are usable for educational purposes may be disposed of by governing boards of school districts in which a superintendent of schools is employed, and in other school districts with the approval of the county superintendent of schools, in any of the following ways:

(a) They may be used as supplementary textbooks by the districts or may be placed in the county free library and handled in the same manner as any other supplementary textbooks.

(b) If such textbooks are not needed as supplementary textbooks in the district certain materials may be removed from such textbooks and used for instructional purposes in accordance with such instructions as are given by the governing board of the school district.

(c) Such books may be sold for a nominal price for use within the State of California to any organization which agrees to use such books for educational purposes and agrees also to make no charge of any kind to the persons to whom such organization gives or lends such books.

(d) Such books may be donated to the United States government or any agency thereof.

(e) Such books may be donated to any public agency or institution of the State of California or to any other state, territory or possession of the United States or the government of any country which formerly was a territory or possession of the United States

(f) Such books may be sold for a nominal price to any international civic or service club having one or more clubs in the State of California and approved by the governing board of the school district or by the Superintendent of Public Instruction, provided such civic or service club agrees to distribute such books for educational purposes and to make no charges of any kind to the persons to whom such organization gives or lends such books.

(g) Such books may be donated to pupils of the district.

(h) Such books may be mutilated so as not to be salable as books and sold for use in the manufacture of paper pulp or other similar substances at the highest price that can be obtained, or may be burned or otherwise destroyed as may be directed by the superintendent having jurisdiction, provided that no books shall be burned or destroyed until sixty (60) days after notice has been given to the State Department of Education. Within ten (10) days after receipt of such notice, and at least fifty (50) days before the date set for such burning or destruction, the State Department of Education shall notify all persons who have filed a request for notice of such burning or destruction and the place where said books are stored and may be inspected. No burning or destruction shall be effected if any of the foregoing means of disposition can be accomplished and delivery by the governing board or the superintendent made to the respective agency within the period of the notice or a reasonable time thereafter.

SEC. 2. Section 9702 is added to said code, to read:

9702 Textbooks that have been determined by the governing board of the school district to be unusable for educational purposes may be so mutilated as not to be salable as books and sold for use in the manufacture of paper pulp or other similar

substances at the highest price that can be obtained, or, if such sale cannot be effected without a cost to the school district, may be burned or otherwise destroyed as may be directed by the governing board of the school district.

SEC. 3. Section 9702.1 is added to said code, to read:

9702.1. For the purposes of Sections 9701 and 9702, the State Board of Education shall adopt rules and regulations prescribing standards for determining when a textbook is unusable for educational purposes.

CHAPTER 587

An act to amend Sections 1803 and 1804 of the Vehicle Code, relating to report of convictions.

[Approved by Governor May 27, 1963. Filed with Secretary of State May 27, 1963.]

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

SECTION 1. Section 1803 of the Vehicle Code is amended to read:

1803. (a) Every clerk of a court, or judge if there be no clerk, in which a person was convicted for any violation of this code, and of any narcotic offense under Division 10 (commencing with Section 11000) of the Health and Safety Code, and of any violation of any other statute relating to the safe operation of vehicles, shall prepare within 10 days after conviction and immediately forward to the department at its office at Sacramento an abstract of the record of the court covering the case in which the person was so convicted which abstract must be certified by the person so required to prepare the same to be true and correct.

For the purposes of this section, a forfeiture of bail shall be equivalent to a conviction.

(b) Violations of Sections 22500, 22502, 22503, 22508, and 22514 relating to the parking of vehicles, and violations for which a person was cited as a pedestrian or while operating a bicycle, are not required to be reported under (a) above.

SEC. 2. Section 1804 of said code is amended to read:

1804. The abstract shall be made upon a form furnished or approved by the department and shall contain all necessary information to identify the defendant, the date and nature of the offense, the date of hearing, the judgment, and the amount of the fine or forfeiture.

CHAPTER 588

An act to add Part 12 (commencing with Section 15900) to Division 3 of Title 2 of the Government Code, relating to the economic policy of the State.

[Approved by Governor May 27, 1963. Filed with Secretary of State May 27, 1963.]

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

SECTION 1. Part 12 (commencing with Section 15900) is added to Division 3 of Title 2 of the Government Code, to read:

PART. 12. STATE ECONOMIC POLICY

CHAPTER 1. POLICY FOR FULL EMPLOYMENT

15900. The Legislature declares that it is the continuing policy and responsibility of the State to foster and promote full employment and increased productivity, income, and purchasing power.

The Legislature further declares that in attaining these goals, the State shall:

(1) Use all practical means within its power consistent with its needs and obligations and other essential considerations of state policy;

(2) Seek the assistance and co-operation of industry, agriculture, labor, the federal government and local government;

(3) Co-ordinate and utilize all of its policies, plans, functions and resources;

for the purpose of creating and maintaining, within the framework of free, competitive enterprise, the general welfare and conditions under which there will be afforded useful employment opportunities, including self-employment, for all those qualified persons, willing and seeking work.

15901. (a) The Governor, utilizing his staff and the resources of state agencies responsible to him in preparation thereof, shall transmit to the Legislature not later than the 30th calendar day of each regular session an economic report setting forth:

(1) The rates and levels of employment, production, income and purchasing power obtaining in the State and needed to carry out the policy declared in the policy for full employment;

(2) Current and foreseeable trends in the levels of employment, production, income, and purchasing power;

(3) A review of the economic program of the State and a review of economic conditions affecting employment in the State or any considerable portion thereof during the preceding year and of their effect upon employment, production, income, and purchasing power;

(4) A program for carrying out the policy declared in the policy for full employment, together with such recommendations for legislation as he may deem necessary or desirable.

(b) The Governor may transmit from time to time to the Legislature reports supplementary to the economic report, each of which shall include supplementary or revised recommendations as he may deem necessary or desirable to achieve the policy declared in the policy for full employment.

15902. The Governor may utilize all or part of other programs prepared in furtherance of the State's economic development as he deems advisable, but all such programs shall be designed and prepared so as to be consistent and in conformity with the intent of this chapter and with the policy and program established pursuant to the provisions of this chapter.

CHAPTER 589

An act to add Article 6 (commencing with Section 11280) to Chapter 3 of Division 10 of the Health and Safety Code, relating to pharmacists' records.

[Approved by Governor May 27, 1963. Filed with Secretary of State May 27, 1963.]

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

SECTION 1. Article 6 (commencing with Section 11280) is added to Chapter 3 of Division 10 of the Health and Safety Code, to read:

Article 6. Pharmacists' Records

11280. The owner of a pharmacy or any person who purchases a narcotic upon federal order forms as required under the provisions of an act of Congress approved December 17, 1914, relating to the importation, manufacture, production, compounding, sale, dealing in, dispensing and giving away of opium, coca leaves, isonipecaine or opiates or any compound, manufacture, salt, derivative, or preparation thereof, and who sells narcotics obtained upon such federal order forms in response to prescriptions shall maintain and file such prescriptions in a separate file apart from nonnarcotic prescriptions. Such files shall be preserved for a period of three years.

11281. The prescription file shall constitute a record that as to the transactions shall show all of the following:

(a) The name and address of the patient.

(b) The date.

(c) The character and quantity of the narcotics involved.

(d) The name, address, and federal registry number of the prescriber.

11282. No person other than a registered pharmacist under the laws of this State shall compound, prepare, fill or dispense a prescription for a narcotic.

11283. In a prosecution under this division, proof that a defendant received or has had in his possession at any time a greater amount of narcotics than is accounted for by any record required by law or that the amount of narcotics possessed by the defendant is a lesser amount than is accounted for by any record required by law is prima facie evidence of guilt.

CHAPTER 590

An act to amend Sections 161 and 163 of the Business and Professions Code, relating to records of the Department of Professional and Vocational Standards.

[Approved by Governor May 27, 1963. Filed with Secretary of State May 27, 1963.]

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

SECTION 1. Section 161 of the Business and Professions Code is amended to read:

161. The department, or any board in the department, may sell copies of any part of its respective public records, or compilations, extracts, or summaries of information contained in its public records, at a charge sufficient to pay the actual cost thereof. Such charge, and the conditions under which sales may be made, shall be determined by the director with the approval of the Department of Finance.

SEC. 2. Section 163 of said code is amended to read:

163. Except as otherwise expressly provided by law, the department and each board in the department shall charge a fee of two dollars ($2) for the certification of a copy of any record, document, or paper in its custody or for the certification of any document evidencing the content of any such record, document or paper.

CHAPTER 591

An act to amend Section 7500.7 of the Welfare and Institutions Code, relating to the Department of Mental Hygiene.

[Approved by Governor May 27, 1963. Filed with Secretary of State May 27, 1963.]

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

SECTION 1. Section 7500.7 of the Welfare and Institutions Code is amended to read:

7500.7. In order to assure an adequate number of qualified psychiatrists, physicians and surgeons, psychologists, nurses,

social workers, laboratory and other technicians, and ancillary workers, the department shall negotiate with any or all of the following: the University of California, the state colleges, the junior colleges, private universities and colleges, and public and private hospitals, and arrange such affiliations or make such contracts for educational or training programs and award training grants or stipends as may be necessary. Arrangements may be made in the hospitals and clinics operated by the department for the clinical experience essential to such educational and training programs, and positions in the department as interns and residents may be established.

CHAPTER 592

An act to repeal Part 6 (commencing with Section 35800), Division 24 of the Health and Safety Code, relating to housing for elderly persons of low income.

[Approved by Governor May 27, 1963. Filed with Secretary of State May 27, 1963.]

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

SECTION 1. Part 6 (commencing with Section 35800), Division 24 of the Health and Safety Code is repealed.

CHAPTER 593

An act to amend Section 2462 of the Business and Professions Code, relating to physical therapy.

[Approved by Governor May 27, 1963. Filed with Secretary of State May 27, 1963.]

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

SECTION 1. Section 2462 of the Business and Professions Code is amended to read:

2462. The amount of fees provided in connection with licenses for the practice of physical therapy is as follows:

(a) The application fee is twenty-five dollars ($25).

(b) The initial license fee is an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the license is issued, except that if the license will expire less than one year after its issuance, then the initial license fee is an amount equal to fifty percent (50%) of the renewal fee in effect on the last regular renewal date before the date on which the license is issued.

(c) The renewal fee shall be fixed by the board at not more than thirty dollars ($30) nor less than six dollars ($6).

(d) The delinquency fee is fifteen dollars ($15).

CHAPTER 594

An act to amend Section 4905 of the Business and Professions Code, relating to veterinary medicine.

[Approved by Governor May 27, 1963. Filed with Secretary of State May 27, 1963.]

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

SECTION 1. Section 4905 of the Business and Professions Code is amended to read:

4905. The following fees shall be collected by the board and the same shall be credited to the Board of Examiners in Veterinary Medicine Contingent Fund:

(a) The fee for filing an application for examination is thirty dollars ($30).

(b) The initial license fee is as follows:

(1) For licenses issued before September 1, 1963, five dollars ($5),

(2) For licenses issued after August 31, 1963, an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the license is issued, except that, if the license is issued less than one year before the date on which it will expire, then the fee is an amount equal to fifty percent (50%) of the renewal fee in effect on the last regular renewal date before the date on which the license is issued. The board may, by appropriate regulation, provide for the waiver or refund of the initial license fee where the license is issued less than 45 days before the date on which it will expire.

(c) The renewal fee shall be fixed by the board for renewal for the period ending on August 31, 1963, at not more than twelve dollars and fifty cents ($12.50) nor less than seven dollars and fifty cents ($7.50) and for renewal for each biennial renewal period thereafter at not more than thirty-five dollars ($35), nor less than fifteen dollars ($15).

(d) The delinquency fee is eight dollars ($8).

(e) The fee for issuance of a duplicate license is five dollars ($5).

(f) The board may make a charge for records, transcripts, and other official documents pertaining to the affairs of the board.

(g) The fee for failure to report a change in the place of practice is ten dollars ($10).

SEC. 2. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall take effect and become operative on July 1, 1963.

CHAPTER 595

An act to amend Section 5681 of the Business and Professions Code, relating to landscape architects.

[Approved by Governor May 27, 1963. Filed with Secretary of State May 27, 1963.]

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

SECTION 1. Section 5681 of the Business and Professions Code is amended to read:

5681. The amount of fees prescribed by this chapter is that fixed by the following schedule:

(a) The application fee for examination is forty dollars ($40), but the board may reduce the fee to not less than twenty dollars ($20).

(b) The fee for an original certificate is an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued, except that, if the certificate is issued less than one year before the date on which it will expire, then the fee is an amount equal to fifty percent (50%) of the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued. The board may, by appropriate regulation, provide for the waiver or refund of the initial certificate fee where the certificate is issued less than 45 days before the date on which it will expire.

(c) The fee for a temporary certificate is twenty-five dollars ($25).

(d) The fee for a duplicate certificate is five dollars ($5).

(e) The renewal fee is sixty-five dollars ($65), but the board may reduce the fee to not less than ten dollars ($10).

(f) The penalty for failure to notify the board of a change of address is five dollars ($5).

(g) The delinquency fee is ten dollars ($10).

CHAPTER 596

An act to amend Section 816.5 of the Public Utilities Code, relating to the regulation of public utilities.

[Approved by Governor May 27, 1963. Filed with Secretary of State May 27, 1963.]

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

SECTION 1. Section 816.5 of the Public Utilities Code is amended to read:

816.5. Nothing contained in this article or in Article 6 of this chapter shall be construed to require a common carrier by

railroad subject to Part 1 of the Interstate Commerce Act (Title 49, U.S.C.), a highway common carrier, a petroleum irregular route carrier or passenger stage corporation to secure from the commission authority to execute any conditional sales contract for the purchase of motor vehicle or railroad equipment or any note and chattel mortgage on motor vehicle or railroad equipment securing the payment of all or any part of the purchase price of motor vehicle or railroad equipment.

CHAPTER 597

An act to amend Section 16601 of the Business and Professions Code, relating to contracts in restraint of trade.

[Approved by Governor May 27, 1963. Filed with Secretary of State May 27, 1963.]

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

SECTION 1. Section 16601 of the Business and Professions Code is amended to read:

16601. Any person who sells the goodwill of a business, or any shareholder of a corporation selling or otherwise disposing of all his shares in said corporation, or any shareholder of a corporation which sells (a) all or substantially all of its operating assets together with the goodwill of the corporation, (b) all or substantially all of the operating assets of a division or a subsidiary of the corporation together with the goodwill of such division or subsidiary, or (c) all of the shares of any subsidiary, may agree with the buyer to refrain from carrying on a similar business within a specified county or counties, city or cities, or a part thereof, in which the business so sold, or that of said corporation, division, or subsidiary has been carried on, so long as the buyer, or any person deriving title to the goodwill or shares from him, carries on a like business therein. For the purposes of this section, "subsidiary" shall mean any corporation, a majority of whose voting shares are owned by the selling corporation.

CHAPTER 598

An act to add Section 9 to Chapter 129 of the Statutes of 1867-1868, relating to the conveyance of certain streets, alleys, and other real property to the City of Red Bluff.

[Approved by Governor May 27, 1963. Filed with Secretary of State May 27, 1963.]

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

SECTION 1. Section 9 is added to Chapter 129 of the Statutes of 1867-1868, to read:

Sec. 9. The Judge of the Superior Court in and for the County of Tehama, as successor to the county judge of said county, is hereby authorized to convey to the City of Red Bluff, all right, title, and interest in and to any real property still held in trust by him for the several use and benefit of the occupants of the town site of Red Bluff according to their respective interests under the patent issued to Warner Earll, Judge of the County Court of Tehama County, September 20, 1866, by Pre-emption Certificate No. 1490 as recorded in Book A of Patents, on page 125, in the office of the County Recorder of Tehama County. The City Council of Red Bluff may vacate any streets or alleys included within this act, and may convey title thereto, and to any other property included within this act, upon such terms and conditions as it deems appropriate in the public interest.

CHAPTER 599

An act to amend Section 2811 of the Business and Professions Code, relating to nurses.

[Approved by Governor May 27, 1963. Filed with Secretary of State May 27, 1963.]

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

SECTION 1. Section 2811 of the Business and Professions Code is amended to read:

2811. Each person licensed under this chapter shall apply for a renewal of his license and pay the biennial renewal fee required by this chapter each two years on or before the last day of the month following the month in which his birthday occurs, beginning with the second birthday following the date on which the license was issued, whereupon the board shall renew the license.

Each license not renewed in accordance with this section shall expire but may within a period of eight years thereafter be reinstated upon payment of the biennial renewal fee and penalty fee required by this chapter and upon submission of such proof of the applicant's qualifications as may be required by the board, except that during such eight-year period no examination shall be required as a condition for the reinstatement of any expired license which has lapsed solely by reason of nonpayment of the renewal fee. After the expiration of such eight-year period the board may require as a condition of reinstatement that the applicant pass such examination as it deems necessary to determine his present fitness to resume the practice of professional nursing.

CHAPTER 600

An act to amend Section 8954 of the Business and Professions Code, relating to yacht and shipbrokers.

[Approved by Governor May 27, 1963. Filed with Secretary of State May 27, 1963.]

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

SECTION 1. Section 8954 of the Business and Professions Code is amended to read:

8954. The commission may suspend or revoke the license of a broker or salesman who has committed any of the following acts:

(a) Makes a substantial misrepresentation upon which any person has relied.

(b) Makes a false warranty of a character likely to influence, persuade or induce any person with whom business is transacted under this chapter.

(c) Engages in a continued and flagrant course of misrepresentation or makes false warranties, whether or not relied upon by another person.

(d) Acts for the buyer and seller in a transaction without the knowledge and consent of both parties.

(e) Commingles the money or other property of his principal with that of his own.

(f) Does any of the acts or participates in any of the transactions defined in Section 8902 of this code with respect to any yacht or ship not numbered in accordance with the provisions of Chapter 5 (commencing with Section 650) of Division 3 of the Harbors and Navigation Code.

(g) Performs any act or participates in any transaction which belongs to or is connected with a class or activity other than the class for which he is licensed.

(h) Uses coercive or oppressive methods for the purpose of obtaining business or of procuring an exclusive listing, or participating in a transaction knowing that such means have been or will be used therein.

(i) Quotes prices higher than the gross listing prices.

(j) Engages in any other conduct constituting fraud or dishonest dealings, either with respect to his principal or other persons.

(k) Permits his name to be used for the purpose of assisting any person who is not a licensed yacht and shipbroker or salesman to evade the provisions of this chapter.

(*l*) Violates any provision of Article 4 (commencing with Section 8945).

CHAPTER 601

An act to amend Section 9584 of the Business and Professions Code, relating to cleaning, dyeing and pressing.

[Approved by Governor May 27, 1963. Filed with Secretary of State May 27, 1963.]

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

SECTION 1. Section 9584 of the Business and Professions Code is amended to read:

9584. The fee for a corrected or duplicate license or certificate of any class, including a change of the name or address thereon, is three dollars ($3). If a change of name or address is made at the time of a renewal of a license or certificate, the fee provided for in this section shall not be charged.

CHAPTER 602

An act authorizing grantees of lands conveyed by the State pursuant to Chapter 1885 of the Statutes of 1959 to bring suit against the State to quiet title to the lands so conveyed or to obtain declaratory relief.

[Approved by Governor May 27, 1963. Filed with Secretary of State May 27, 1963.]

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

SECTION 1. The grantee or grantees of any lands which have been or may be conveyed by the State pursuant to Chapter 1885 of the Statutes of 1959, or his or their successor or successors in interest, immediate or remote, is and are hereby authorized to bring suit against the State of California to quiet title to the lands so conveyed, or to obtain declaratory relief determining the validity of the title so conveyed. Service of process in any such suit shall be made upon the Chairman of the State Lands Commission and the Attorney General, and it shall be the duty of the Attorney General to represent the State in any such suit. In any such action, whether or not judgment is given against the State, no costs shall be recovered against the State. Any action brought under the provisions of this act shall be commenced prior to January 1, 1965.

CHAPTER 603

An act to amend Section 948 of the Military and Veterans Code, relating to burial of veterans.

[Approved by Governor May 27, 1963. Filed with Secretary of State May 27, 1963.]

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

SECTION 1. Section 948 of the Military and Veterans Code is amended to read:

948. The clerk of the board of supervisors, upon receiving the report and statement of expenses, shall transcribe in a book kept for that purpose all the facts contained in the report respecting such decedent. The clerk, upon the burial of any honorably discharged soldier, sailor, or marine, shall make application to the proper authorities of the United States, for a suitable headstone, as provided by act of Congress, and cause the same to be placed at the head of the grave of such soldier, sailor, or marine. The expenses shall not exceed ten dollars ($10) for cartage and properly setting each stone.

CHAPTER 604

An act to amend Section 5102 of the Streets and Highways Code, relating to the Improvement Act of 1911 and public works and improvements thereunder.

[Approved by Governor May 27, 1963. Filed with Secretary of State May 27, 1963.]

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

SECTION 1. Section 5102 of the Streets and Highways Code is amended to read:

5102. In any proceeding for the making of any work or improvement authorized under Section 5101 of this code, the legislative body may order any acquisition as defined in Section 5023.1 necessary or appropriate in connection with such work or improvement and assess the cost of such acquisition, as a part of the incidental expenses of such work or improvement. Any such acquisition shall be described in the resolution of intention in general terms and refer to plans, profiles, detailed drawings and specifications or such of them as may be suitable and proper for the full detailed description of the acquisition proposed. The city initiating such proceedings is authorized to advance the cost of any such acquisition from its general funds, and thereafter reimburse such general funds as a part of the incidental expenses of such improvement.

CHAPTER 605

An act to add Section 147 to the Civil Code, relating to domestic relations actions.

[Approved by Governor May 27, 1963. Filed with Secretary of State May 27, 1963.]

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

SECTION 1. Section 147 is added to the Civil Code, to read:

147. After the granting of a final decree of divorce, a final decree or judgment in an action for separate maintenance, a final decree of annulment, or an order for the support, maintenance or custody of minor children, no modification of the decree, judgment or order and no other order of the court in the divorce, separate maintenance, annulment, or child support, maintenance or custody action shall be valid unless any prior notice otherwise required to be given to a party to the action be served, in such manner as such notice is otherwise permitted by law to be served, upon the party himself. For such purpose service upon the attorney of record shall not be sufficient.

CHAPTER 606

An act to amend Sections 1607, 1625, 1632, 1650, 1671, and 1680 of, and to add Section 1627.5 to, and to repeal Section 1674 of, the Business and Professions Code, and to amend Section 10176 of the Insurance Code, relating to dentistry.

[Approved by Governor May 27, 1963. Filed with Secretary of State May 27, 1963.]

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

SECTION 1. Section 1607 of the Business and Professions Code is amended to read:

1607. The board shall meet regularly once each year in San Francisco and once each year in Los Angeles after the commencement of the dental schools for the purpose of examining applicants, and at such other times and places as the board may designate, for the purpose of transacting its business.

SEC. 2. Section 1625 of said code is amended to read:

1625. Dentistry is the diagnosis or treatment, by surgery or other method, of diseases and lesions and the correction of malposed positions of the human teeth, alveolar process, gums, jaws, or associated structures; and such diagnosis or treatment may include the use of drugs, anesthetic agents, and physical evaluation. Without limiting the foregoing, a person practices dentistry within the meaning of this chapter who does any one or more of the following:

(a) By card, circular, pamphlet, newspaper or in any other way advertises himself or represents himself to be a dentist.

(b) Performs, or offers to perform, an operation or diagnosis of any kind, or treats diseases or lesions of the human teeth, alveolar process, gums, jaws, or associated structures, or corrects malposed positions thereof.

(c) In any way indicates that he will perform by himself or his agents or servants any operation upon the human teeth, alveolar process, gums, jaws, or associated structures, or in any way indicates that he will construct, alter, repair, or sell any bridge, crown, denture or other prosthetic appliance or orthodontic appliance.

(d) Makes, or offers to make, an examination of, with the intent to perform or cause to be performed any operation on the human teeth, alveolar process, gums, jaws, or associated structures.

(e) Manages or conducts as manager, proprietor, conductor, lessor, or otherwise, a place where dental operations are performed.

SEC. 3. Section 1627.5 is added to said code, to read:

1627.5. No person licensed under this chapter, who in good faith renders emergency care at the scene of the emergency occurring outside the place of his practice, shall be liable for any civil damages as a result of any acts or omissions by such person in rendering the emergency care.

SEC. 4. Section 1632 of said code is amended to read:

1632. The applicant shall give demonstrations of his skill in operative and prosthetic dentistry and his written examination may be supplemented by an oral examination.

SEC. 5. Section 1650 of said code is amended to read:

1650. Every person who is now or hereafter licensed to practice dentistry in this State shall register on forms prescribed by the board, his place of practice with the Secretary of the State Board of Dental Examiners, or, if he has more than one place of practice, all of said places of practice, or, if he has no place of practice, to so notify the secretary of the board. A person licensed by the board shall register with the secretary within 30 days after the date of his license.

SEC. 6. Section 1671 of said code is amended to read:

1671. The adjudication of insanity or mental illness, or the voluntary commitment or admission to a state or federal hospital of any licensee for a mental illness shall operate as a suspension of the right to practice of any licensee under this chapter, such suspension to continue until restoration to or declaration of sanity or mental competence. The record of adjudication, judgment or order of voluntary commitment is conclusive evidence of such insanity or mental illness, and upon receipt of a certified copy of any such adjudication, judgment, voluntary commitment or order by the board it shall immediately suspend the license of the person adjudicated or committed. The board shall not restore such license to good standing until it shall receive competent evidence of restora-

tion to or declaration of sanity and until it is satisfied that, with due regard for the public interest, said person's right to practice may be safely reinstated. Before reinstating such person, the board may require the person to pass an oral examination to determine his present fitness to resume his practice.

SEC. 7. Section 1674 of said code is repealed.

SEC. 8. Section 1680 of said code is amended to read:

1680. Unprofessional conduct is defined to be any one of the following:

(1) The employment of persons known as cappers or steerers, to obtain business.

(2) The obtaining of any fee by fraud or misrepresentation.

(3) The willful betrayal of professional secrets.

(4) The employment directly or indirectly of any student or suspended or unlicensed dentist to practice dentistry as defined in this chapter.

(5) The aiding or abetting of any unlicensed person to practice dentistry.

(6) The aiding or abetting of a licensed person to practice dentistry unlawfully.

(7) Habitual intemperance.

(8) Gross immorality.

(9) The use of any false, assumed or fictitious name, either as an individual, firm, corporation or otherwise, or any name other than the name under which he is licensed to practice, in advertising or in any other manner indicating that he is practicing or will practice dentistry.

(10) The practicing or accepting or receiving any commission or the rebating in any form or manner on fees for professional services, radiograms, prescriptions or other services or articles supplied to patients.

(11) The making use of any advertising statements of a character tending to deceive or mislead the public.

(12) The advertising of professional superiority or the performance of professional services in a superior manner.

(13) The advertising of definite or fixed prices for professional services.

(14) The use of advertising containing as a part thereof the representation of a tooth, teeth, bridgework or any portion of the human head.

(15) The employing or the making use of solicitors.

(16) The advertising of any free dental work, or free examination.

(17) The advertising to guarantee any dental service, or to perform any dental operation painlessly.

(18) The willful violation of any of the provisions of law regulating the dispensing and administration of dangerous drugs or narcotics, or the willful violation of any of the provisions of this chapter except the payment of fees.

SEC. 9. Section 10176 of the Insurance Code is amended to read:

10176. In disability insurance the policy may provide for payment of medical, surgical, dental, or hospital expenses upon a reimbursement basis, and provision may be made therein for payment of all or a portion of the amount of the charge for such services without requiring that the insured first pay such expenses. No such policy shall prohibit the insured from selecting any holder of a certificate under Section 2135 of the Business and Professions Code, or any holder of a license under Section 1634 of said code, to perform the particular medical or surgical services covered under the terms of the policy, such certificate holder or licensee being authorized to perform such services.

CHAPTER 607

An act to amend Section 718.5 of the Probate Code, relating to compromise and settlement of claims by executors and administrators.

[Approved by Governor May 27, 1963. Filed with Secretary of State May 27, 1963.]

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

SECTION 1. Section 718.5 of the Probate Code is amended to read:

718.5. After the lapse of 60 days from the issuance of letters testamentary or of administration, the executor or administrator, with the approval of the court, may compromise, compound or settle any claim or demand by or against the estate or any suit brought by or against the executor or administrator as such, by the transfer of specific assets of the estate or otherwise. To obtain such approval, the executor or administrator shall file a verified petition with the clerk showing the advantage of the compromise, composition or settlement. The clerk shall set the petition for hearing by the court and notice thereof shall be given for the period and in the manner required by Section 1200 of this code. If under this section the court authorizes the transfer of real property of the estate, conveyances shall be executed by the executor or administrator in the same manner as provided in Section 786 of this code and such conveyances shall have the same force and effect as conveyances executed pursuant to that section, and a certified copy of the order authorizing the transfer must be recorded in the office of the recorder of the county in which the real property or any portion thereof lies.

CHAPTER 608

An act to add Section 5096.7 to, and to amend Section 5096.3 of, the Revenue and Taxation Code, relating to property tax.

[Approved by Governor May 27, 1963. Filed with Secretary of State May 27, 1963.]

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

SECTION 1. Section 5096.7 is added to the Revenue and Taxation Code, to read:

5096.7. If taxes have been paid on property acquired by negotiated purchase after the commencement of the fiscal year for which the taxes are a lien on the property by the State, county, city, school district, or other public agency of this State, the portion of such taxes which are allocable to that part of the fiscal year which begins on the date of the acquisition of the property and made uncollectible if unpaid by virtue of Section 4986, shall be deemed erroneously collected and shall be refunded to such person who has paid the tax, where such person was not otherwise reimbursed for such portion of the taxes by the public agency which acquired the property.

Refunds under this section shall be applicable to taxes paid on either the secured or unsecured rolls.

SEC. 2. Section 5096.3 of said code is amended to read:

5096.3. If taxes have been paid on property which is acquired by eminent domain after the lien date by the State or by any county, city, school district or other public agency of this State, the amount of such taxes which would have been subject to cancellation under Section 4986 if unpaid shall be deemed to be erroneously collected and shall be refunded to such public agency. For the purposes of this article, except Section 5096.7, such public agency shall be deemed to be the person who paid the taxes.

Refunds under this section shall be applicable to taxes paid on either the secured or unsecured rolls.

CHAPTER 609

An act to add Section 10020 to the Elections Code, relating to absentee voting.

[Approved by Governor May 27, 1963. Filed with Secretary of State May 27, 1963.]

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

SECTION 1. Section 10020 is added to the Elections Code, to read:

10020. The officer charged with the duty of providing sample ballots for any election at which absent voter ballots may

be cast shall cause to be printed on the envelope containing the sample ballot in heavy-faced gothic type, not smaller than 10-point, the following:

Notice: If you expect to be absent from your election precinct on election day, will be unable to vote in your election precinct by reason of physical disability, or will be unable to go to your polling place because the tenets of your religion prevent you from doing so throughout the day of election, you may apply, in person or by mail, for an absent voter's ballot at the office of the _____ (county clerk or equivalent official). Your application may be submitted not more than _____ days before the day of election but must reach the office of the _____ (county clerk or equivalent official) not less than _____ days before the day of election.

SEC. 2. The provisions of this act shall remain in effect until January 1, 1965.

SEC. 3. The officer charged with the duty of providing sample ballots for any election may deplete his existing supply of ballot envelopes before using envelopes containing the wording used in Section 10020 of the Elections Code, provided, however, that all ballot envelopes used at any election shall be uniform.

CHAPTER 610

An act to repeal and add Chapter 6 (commencing with Section 28190), Division 21 of the Health and Safety Code, relating to bakeries and bakery products.

[Approved by Governor May 27, 1963. Filed with Secretary of State May 27, 1963.]

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

SECTION 1. Chapter 6 (commencing with Section 28190) of Division 21 of the Health and Safety Code is repealed.

SEC. 2. Chapter 6 (commencing with Section 28190) is added to Division 21 of said code, to read:

CHAPTER 6. CALIFORNIA BAKERY SANITATION LAW

28190. "Bakery" means any room, building, premises, or place which is used or operated for commercial baking, preparing, manufacturing, processing, or packaging of bakery products. It includes all rooms of a bakery in which bakery products or ingredients are stored or handled. It does not, however, include any restaurant or any other food establishment as defined in Chapter 11 (commencing with Section 28520) of this division.

28191. "Bakery products" means food products, consisting of breads, pies, pastries, cakes, cookies, doughnuts, crackers

or other similar products which are baked, cooked, processed, or which are processed to be cooked or baked off the premises.

28192. "Health officer" means any city, county, district, city and county, or state health officer.

28193. The floors of all rooms of a bakery shall be of such construction and material as to be easily cleaned. They shall be smooth, and shall be kept clean and in good repair.

28194. The surface of walls and ceilings of all rooms of a bakery where unwrapped bakery products are handled or stored shall be of such construction as to be easily cleanable and shall be light colored, and kept clean and in good repair.

28195. In every room of a bakery in which any bakery product is prepared, manufactured, processed, or packaged or in which utensils are washed, sufficient natural or artificial lighting shall be provided to produce an intensity of not less than 10 foot-candles at 30 inches from the floor. In all other rooms of a bakery, lighting shall be provided to produce an intensity of not less than 4 foot-candles 30 inches from the floor.

28196. Any room or equipment in a bakery in which bakery products are prepared, manufactured, processed, packaged, stored, or in which utensils are washed, shall be properly and adequately ventilated by providing natural ventilation or mechanical exhaust ventilation equipment as required to effectively remove to the outside air, objectionable odors, smoke, steam, and vapors.

28197. Effective means shall be provided as necessary to prevent entrance into a bakery of flies, other insects, rodents, or other animals.

28198. Hot and cold running water under pressure shall be provided in areas of a bakery in which bakery products are prepared or where utensils and equipment are washed. The water supply shall be of a safe and sanitary quality.

28199. The entire premises of a bakery, including fixtures, bakery utensils, apparatus, devices, machines, counters, shelves, tables, refrigerators, and other equipment shall be so constructed and so located as to facilitate easy cleaning and shall be kept clean, in good repair, and in sanitary condition, and free from vermin and rodents A sink or sinks of adequate size, drainboards and back splash constructed of metal or other suitable impervious material shall be provided for the washing of pots, pans, and other utensils. Adequate mechanical washing equipment may be provided as necessary.

28200. Clean toilet facilities, in good repair, shall be provided for employees on the premises of a bakery. When there are five or more employees of different sexes, separate toilets shall be provided for each sex. Toilet rooms shall be separated from other portions of the bakery by tight-fitting, self-closing doors.

Handwashing facilities, in good repair, shall be provided for production employees of a bakery within or adjacent to toilet rooms and shall be equipped with hot and cold running water.

Mixing-type faucets or outlets shall be provided which supply warm water at proper temperature while both hands are free for washing. Handwashing detergent or soap and sanitary towels shall be provided at handwashing facilities. Before beginning the work of preparing, mixing, or handling the ingredients used in baking or handling unwrapped bakery products, and immediately after visiting a toilet, every person shall wash his hands and exposed portions of his arms thoroughly with soap or detergent and warm water and rinse them in clean water. Appropriate notice to this effect shall be posted in each toilet and dressing room.

A room or enclosure separated from toilets or any food storage or food preparation area of a bakery, shall be provided where employees may change and store their outer garments. No employee shall dress or undress or store his clothing in any other area on the premises.

All toilets, lavatory facilities, and dressing rooms of a bakery shall be maintained in a clean and sanitary condition, and the floors, walls and ceilings shall be of such construction and material as to be easily cleaned. Toilet rooms shall be vented to the outside air.

28201. Every bakery shall be provided with such facilities and equipment as are necessary to properly store or dispose of all waste material. All food waste and rubbish containing food waste shall be kept in tight, nonabsorbent, rodentproof containers covered with close-fitting lids. These containers shall be cleaned as necessary and shall be kept covered. All food waste and rubbish shall be removed and disposed of in a sanitary manner as frequently as may be necessary to prevent the creation of a nuisance.

28202. All flour, cereal, sugar, and other food ingredients in other than waterproof containers shall be stored in a bakery at least six inches off the floor, except when movable pallets are used, and at least six inches away from the wall. All cartons, sacks, and boxes used in the packaging of any bakery product shall be protected at all times from dust, dirt, flies, and other forms of contamination or adulteration. Containers of raw materials or ingredients which have been opened shall be adequately protected from contamination or adulteration.

No insecticide or other poisonous or deleterious substance shall be stored in any food preparation room of a bakery nor in any room where food products are kept or stored except in a separate cabinet provided for that purpose. All poisonous substances, detergents, bleaches, cleaning compounds or similar materials shall be specifically and plainly labeled as to contents and hazardous use. No such product shall be used in a manner which would cause contamination or adulteration.

28203. Employees of a bakery while engaged in the work of baking, preparing, or producing bakery products shall wear clean, washable outer garments and shall wear adequate hair covering. No employee while so engaged shall expectorate, use

tobacco in any form, or commit any act which may result in contamination or adulteration of any bakery product.

28204. No live animal, bird, or fowl shall be kept or allowed in any bakery. This section does not apply to dogs being used by the blind.

28205. No employee or other person shall sit, lie, stand, or walk upon any table, bench, trough, shelf or other equipment of a bakery which comes in direct contact with any bakery product or ingredient thereof. No person shall sit, lie, walk, or stand upon any ingredient or raw material used in any bakery product.

28206. No person shall be employed in a bakery who, in the opinion of the health officer, is affected with, or a carrier of, any disease in a stage which is likely to be communicable to persons exposed as a result of the affected employee's normal duties as a food handler.

When information as to the possibility of disease transmission is presented to the health officer, he shall investigate conditions and take appropriate action. The health officer may, after investigation and for reasonable cause, require any or all of the following measures:

(a) The immediate exclusion of such employee or owner from the bakery by the health officer.

(b) The immediate closing of the bakery until no further danger of disease outbreak exists in the opinion of the health officer.

(c) Adequate medical examination of the owner or employees with such laboratory examination as may be indicated; or should such examination or examinations be refused, then the immediate exclusion of the refusing owner or employees from that or any other bakery, until an adequate medical or laboratory examination shows that he is not affected with or a carrier of any disease in a communicable form.

28207. No couch, cot, bed, or other sleeping accommodation shall be maintained or kept in any room where food is prepared or stored.

28208. All readily perishable bakery products including but not limited to cooked custard- and cream-filled pastries or ingredients thereof which are capable of supporting rapid and progressive growth of micro-organisms likely to cause food infections or intoxications shall during storage prior to processing and upon completion of processing be cooled to a temperature of 50 degrees Fahrenheit within a time period that will prevent the rapid and progressive growth of such micro-organisms and shall thereafter be held at a temperature not to exceed 50 degrees Fahrenheit.

28209. The vehicles, boxes, baskets, and other receptacles in which bakery products are transported shall be kept in a clean and sanitary condition at all times, and kept free from dust, flies, and other contamination. All showcases, shelves, or other places in a bakery where unwrapped bakery products are stored shall be kept well covered and kept clean, in good

repair, and in a sanitary condition at all times. Boxes or other receptacles used for delivery of bakery products to a retail store or selling place, before the store or selling place is open or after they are closed, shall be so constructed of an impervious material and so placed as to prevent such bakery products from becoming contaminated.

28210. Every bakery product which is sold, offered for sale, or held for sale shall have protective wrapping which shall bear a label which complies with the labeling requirements prescribed by Article 3 (commencing with Section 26490), Chapter 3, of this division. Bakery products sold directly to the consumer or restaurant or catering service or retail bakery by the manufacturer or bakery distributor are exempt from the provisions of this section. French style, hearth-baked or hard-crusted loaves and rolls shall be considered properly wrapped if in an open end bag of sufficient size to enclose such loaves or rolls.

28211. All bakery products produced, prepared, packed, sold or offered for sale shall comply with the provisions of Chapter 3 (commencing with Section 26450), of this division, except as exempted in Section 28210. The State Department of Public Health shall enforce the provisions of this section which pertain to adulteration, standards of identity, and labeling of bakery products.

28212. The health officer or his agents shall have free access at all reasonable hours to any place where bakery products are produced, held for sale, offered for sale, or sold for the purpose of inspecting and enforcing this chapter.

28213. Any person who violates this chapter is guilty of a misdemeanor, and upon conviction shall be subject to a fine of not less than twenty-five dollars ($25) nor more than five hundred dollars ($500) or imprisonment in the city or county jail for a term not to exceed six months, or both such fine and imprisonment.

28214. The State Board of Public Health may adopt regulations for the administration of this chapter. Any violation of such regulations is a violation of this chapter.

28215. This chapter does not prevent or prohibit any local enforcement agency from requiring any license, permit, or inspection fee for any bakery or distributor of bakery products to engage in any activity as covered by this chapter.

28216. This chapter shall be known as the California Bakery Sanitation Law.

CHAPTER 611

An act to amend Section 8682 of the Streets and Highways Code, relating to the collection of assessments under the Improvement Bond Act of 1915.

[Approved by Governor May 27, 1963. Filed with Secretary of State May 27, 1963.]

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

SECTION 1. Section 8682 of the Streets and Highways Code is amended to read:

8682. A copy of the order of the legislative body determining the assessments remaining unpaid and upon the security of which bonds are issued shall be filed in the office of the auditor. The auditor shall keep a record in his office showing the several installments of principal and interest on said assessments which are to be collected in each year during the term of the bonds. The auditor shall annually enter in his assessment roll on which taxes will next become due, opposite each lot or parcel of land affected in a space marked "public improvement assessment," or by other suitable designation, the several installments of such assessment coming due during the fiscal year covered by such assessment roll, including in each case the interest due on such total unpaid assessments, and also including a percentage of one-fourth of 1 percent of the amount of such installments and of such interest so entered; provided that such percentage may be increased by the legislative body in any amount up to a maximum of 1 percent of the amount of such installments and of such interest so entered if the legislative body finds that the expenses of collection exceed the one-fourth of 1 percent specified above, but in no event shall the increased amount exceed the auditor's estimate of the expenses of collection Such percentages when collected shall belong to the city and shall cover the expenses and compensation of the city treasurer incurred in the collection of such assessments, and of the interest and penalties thereon. No other percentage shall be claimed for any such collections.

CHAPTER 612

An act to amend Section 6452 of, and to add Section 6539 to, the Revenue and Taxation Code, relating to sales and use taxation.

[Approved by Governor May 27, 1963 Filed with Secretary of State May 27, 1963.]

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

SECTION 1. Section 6452 of the Revenue and Taxation Code is amended to read:

6452. On or before the last day of the month following each quarterly period of three months, a return for the preceding quarterly period shall be filed with the board in such form as the board may prescribe.

For purposes of the sales tax a return shall be filed by every seller. For purposes of the use tax a return shall be filed by every retailer engaged in business in this State and by every person purchasing tangible personal property, the storage, use, or other consumption of which is subject to the use tax, who has not paid the use tax due to a retailer required to collect the tax. Returns shall be signed by the person required to file the return or by his duly authorized agent but need not be verified by oath.

SEC. 2. Section 6539 is added to said code, to read:

6539. Any notice required by this article shall be served personally or by mail in the manner prescribed for service of notice of a deficiency determination.

CHAPTER 613

An act to amend Sections 6811 and 6812 of the Revenue and Taxation Code, relating to sales and use taxation.

[Approved by Governor May 27, 1963 Filed with Secretary of State May 27, 1963.]

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

SECTION 1. Section 6811 of the Revenue and Taxation Code is amended to read:

6811. If any person liable for any amount under this part sells out his business or stock of goods or quits the business, his successors or assigns shall withhold sufficient of the purchase price to cover such amount until the former owner produces a receipt from the board showing that it has been paid or a certificate stating that no amount is due.

SEC. 2. Section 6812 of said code is amended to read:

6812. If the purchaser of a business or stock of goods fails to withhold purchase price as required, he becomes personally liable for the payment of the amount required to be withheld by him to the extent of the purchase price, valued in money. Within 60 days after receiving a written request from the purchaser for a certificate, or within 60 days from the date the former owner's records are made available for audit, whichever period expires the later, but in any event not later than 90 days after receiving the request, the board shall either issue the certificate or mail notice to the purchaser at his address as it appears on the records of the board of the amount that must be paid as a condition of issuing the certificate. Failure of the board to mail the notice will release the purchaser from any further obligation to withhold purchase price as above pro-

vided. The time within which the obligation of the successor may be enforced shall start to run at the time the person sells out his business or stock of goods or at the time that the determination against the person becomes final whichever event occurs the later.

CHAPTER 614

An act to amend Section 6729 of the Welfare and Institutions Code, relating to restoration to competency.

[Approved by Governor May 27, 1963. Filed with Secretary of State May 27, 1963.]

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

SECTION 1. Section 6729 of the Welfare and Institutions Code is amended to read:

6729. When any person released from a state hospital is, in the opinion of the superintendent, capable of taking care of himself and his property, a certificate of competency may be issued. If it is the conclusion of the superintendent that such person was not mentally ill when admitted to the state hospital, the certificate shall not be so worded as to imply that the person has, in fact, been mentally ill. A copy of such certificate, signed by the superintendent or other authorized person, may be filed with the clerk of the superior court of the county from which the person was committed. The clerk shall file and index it and no fee shall be charged for so doing. If no guardian or conservator has been appointed for such person as provided by the Probate Code, such certificate, when filed with the clerk of the court, shall have the same legal force and effect as a judgment of restoration to capacity made under the provisions of the Probate Code.

CHAPTER 615

An act to amend Section 5234 of the Streets and Highways Code, relating to the Improvement Act of 1911.

[Approved by Governor May 27, 1963 Filed with Secretary of State May 27, 1963.]

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

SECTION 1. Section 5234 of the Streets and Highways Code is amended to read:

5234. No changes shall be made pursuant to this chapter which will increase the estimated cost by more than 20 percent of the total estimated cost of the work as determined from

(a) The engineer's estimate, if the change is ordered prior to the award of the contract, or

(b) The successful bid, if the change is ordered after the award of the contract;

provided, that any changes so made shall also be subject to the limitations, if any, contained in any law applicable to the proceedings, which law may impose limitations upon the amount by which the estimated cost of the work or improvement may be increased by reason of such changes.

CHAPTER 616

An act to amend Sections 5870 and 5871 of the Streets and Highways Code, relating to the Improvement Act of 1911.

[Approved by Governor May 27, 1963. Filed with Secretary of State May 27, 1963.]

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

SECTION 1. Section 5870 of the Streets and Highways Code is amended to read:

5870. As used in this chapter, "block" means property facing one side of any street between the next intersecting streets or between the terminus of a dedicated right-of-way of a street and an intersecting street, except that "block" in the case of an alley means property facing both sides of any alley between the next intersecting streets or alleys, or between the terminus of an alley and an intersecting street, and "driveway" means a paved portion of a public street providing an unobstructed passage from the roadway to an offstreet area used for driving, servicing, parking, or otherwise accommodating motor vehicles.

SEC. 2. Section 5871 of said code is amended to read:

5871. This chapter shall apply to the construction of sidewalks, gutters, pavements, driveways, and curbs and the installation of storm and sanitary drainage facilities in front of properties in any block where a sidewalk, gutter, pavement, driveway, or curb or all of them have been constructed theretofore in front of properties in said block constituting more than fifty percent (50%) of the front footage of said block or where the owners of more than 60 percent of the front footage of the block, as shown by the last equalized assessment roll of the city, file a petition with the city clerk requesting the installation of any such improvements.

This chapter shall not apply to driveway construction in front of a vacant lot, or in front of an unimproved property, unless requested by the owner.

As used in this chapter, "sidewalks or curbs" includes "gutters," "driveways," "pavement" to the centerline of the street, "full pavement" in alleys, "storm and sanitary drainage facilities," and "superintendent of streets" includes any other person or persons who may be designated by the legis-

lative body to perform any of the duties of the superintendent of streets set forth in this chapter.

"Fronting" and "facing" as used in this chapter means "backing" in the case of property adjoining an alley improvement.

CHAPTER 617

An act to amend Sections 8660, 8780, 11027 and 11029 of the Fish and Game Code, relating to fishing.

[Approved by Governor May 27, 1963. Filed with Secretary of State May 27, 1963.]

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

SECTION 1. Section 8660 of the Fish and Game Code is amended to read:

8660. Nothing in this chapter authorizing the use of nets in District 19 or 19A shall authorize the use of any net within 750 feet of any pier, wharf, jetty, or breakwater, except that dip nets may be used subject to the provisions of Section 8870.

SEC. 2. Section 8780 of said code is amended to read:

8780. As used in this chapter, the term "bait net" means a lampara or round haul type net the mesh of which is constructed of twine not exceeding standard No. 9 medium cotton seine twine or synthetic twine of equivalent size or strength. The net shall not have rings along the lead line or any method of pursing the bottom of the net.

Bait nets may be used to take fish for bait in Districts 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 19A, 19B, 20A, 21, 118 and 118.5.

In District 19B bait nets may be used only to take sardines, anchovies, queenfish, white croakers, and smelt for bait only. Such nets may not be used within 750 feet of Seal Beach Pier, Belmont Pier, or Rainbow Pier.

In District 19A bait nets may be used to take sardines, smelt, anchovies, queenfish and white croaker except that sardines taken for canning purposes may be taken only during the season specified in Section 8151 No other species of fish may be taken or possessed on any boat carrying a bait net in District 19A.

Nothing in this section prohibits the use of bait nets in Districts 19A and 19B for taking fish for use as fishfood in state fish hatcheries.

SEC. 3. Section 11027 of the Fish and Game Code is amended to read:

11027. The following constitutes Fish and Game District 19:

The ocean waters of the State and tidelands to high-water mark, and islands off the coast and waters adjacent thereto, lying southerly of Fish and Game District 18, and northerly of a westerly extension of the boundary line between the Re-

public of Mexico and San Diego County, excepting Districts 19A, 19B, 20, 20A, and 21, and excluding all rivers, streams, sloughs, lagoons, and bays.

SEC. 4. Section 11029 of the Fish and Game Code is amended to read:

11029. The following constitutes Fish and Game District 19B:

The ocean waters and tidelands to high-water mark northerly of the following line:

Beginning at the west end of the San Pedro Breakwater, thence in an extended line following the axis of said San Pedro Breakwater, the middle breakwater and the Long Beach Breakwater to the east end of the latter, thence to the outer end of the west jetty of Anaheim Bay.

Except as otherwise provided, all of the provisions of this code applicable to Districts 4 and 4½ apply to District 19B.

CHAPTER 618

An act to amend Section 5600 of the Financial Code, relating to savings and loan associations.

[Approved by Governor May 27, 1963. Filed with Secretary of State May 27, 1963.]

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

SECTION 1. Section 5600 of the Financial Code is amended to read:

5600. No person shall be eligible as director of an association unless he is an investor in such association, owning, in his own right or in a representative capacity as an executor, administrator, guardian or trustee, stock in the association of the par value of at least five hundred dollars ($500), stock without par value in the association in an amount fixed by the commissioner, shares in the association of the value of at least one thousand dollars ($1,000) or investment certificates in the association of the value of at least one thousand dollars ($1,000).

For the purpose of this section a person who owns stock, shares or investment certificates as a joint tenant with one other person shall be deemed to own, in his own right, one-half of such stock, shares or investment certificates.

CHAPTER 619

An act to amend Section 5653 of the Financial Code, relating to savings and loan associations.

[Approved by Governor May 27, 1963. Filed with Secretary of State May 27, 1963.]

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

SECTION 1. Section 5653 of the Financial Code is amended to read:

5653. Any amendment to the articles of incorporation or bylaws of an association which makes any change in the rights, preferences, or privileges of any outstanding stock or shares of such association which are adverse to the holders of such stock or shares is not valid, unless such amendment is approved by the vote or written assent of the holders of two-thirds of such outstanding stock or two-thirds in value of such outstanding shares, or of the class or classes of such outstanding shares which are adversely affected by such amendment.

CHAPTER 620

An act to amend Section 7650 of the Financial Code, relating to savings and loan associations.

[Approved by Governor May 27, 1963 Filed with Secretary of State May 27, 1963.]

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

SECTION 1. Section 7650 of the Financial Code is amended to read:

7650. Except as otherwise provided in the articles of incorporation or bylaws pursuant to this article, each holder of guarantee stock shall have one vote for each share of guarantee stock held by him and each holder of withdrawable shares shall have such number of votes as bears the same ratio to one as the par value of all withdrawable shares held by him bears to the par value of one share of guarantee stock issued by such association. If the guarantee stock is without par value, then each holder of withdrawable shares shall have such number of votes as bears the same ratio to one as the par value of all withdrawable shares held by him bears to the amount set aside from the sale of each share of guarantee stock as a fixed and permanent capital of the association pursuant to Section 6456 of the Financial Code.

CHAPTER 621

An act to amend Section 9001 of the Financial Code, relating to savings and loan associations.

[Approved by Governor May 27, 1963. Filed with Secretary of State May 27, 1963.]

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

SECTION 1. Section 9001 of the Financial Code is amended to read:

9001. The commissioner may demand and take possession of the property, business and assets of an association if any of the following occur:

(a) The association does not comply with the order given pursuant to Section 9000, within the time specified therein.

(b) It appears to the commissioner that the association is in an unsafe condition or is conducting its business in an unsafe or injurious manner such as to render its further proceeding hazardous to the public or to any or all of its investors.

(c) The commissioner finds that the association's assets are impaired to such an extent that, after deducting all liabilities other than to its investors they do not equal or exceed the sum of the value of its outstanding shares and investment certificates and the amount set aside as a fixed and permanent capital of the association pursuant to Section 6456 of the Financial Code.

(d) The association refuses to submit its books, papers, and accounts to the inspection of the commissioner or any of his examiners, deputies, or assistants.

(e) Any officer of the association refuses to be examined upon oath concerning the affairs of the association.

CHAPTER 622

An act to amend Section 6456 of the Financial Code, relating to savings and loan associations.

[Approved by Governor May 27, 1963. Filed with Secretary of State May 27, 1963.]

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

SECTION 1. Section 6456 of the Financial Code is amended to read:

6456. Guarantee stock shall be of one class. Guarantee stock shall have a par value per share, or shall be no par value, as stated in the articles of incorporation and approved by the commissioner. The proceeds from the sale of the guarantee stock which has a par value shall be set apart to the extent of the par value and, except as that stock is reduced as provided

in this chapter, shall be maintained as a fixed and permanent capital of the association. The proceeds from the sale of guarantee stock of no par value shall be set aside to the extent provided in such articles of incorporation as approved by the commissioner and, except as that stock is reduced as provided in this chapter, shall be maintained as a fixed and permanent capital of the association.

CHAPTER 623

An act to amend Section 11537 of the Business and Professions Code, relating to subdivision maps.

[Approved by Governor May 27, 1963. Filed with Secretary of State May 27, 1963.]

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

SECTION 1. Section 11537 of the Business and Professions Code is amended to read:

11537. (a) This chapter does not prohibit the filing of a map in accordance with the provisions of Chapter 3 of this part and the use thereof for purposes therein provided.

(b) A final map may be recorded under the provisions of this chapter for the purpose of reverting to acreage land previously subdivided providing a public hearing on the proposed reversion to acreage is had before the appropriate governing body or advisory agency, and public notice of such hearing is given in a newspaper of general circulation within the area affected, at least once in each of two weeks immediately preceding the hearing. Any map so submitted shall be accompanied by evidence of title and nonuse of streets or easements. Any streets or easements to be left in effect after the reversion shall be adequately delineated on the map. After the holding of the hearing and approval of the reversion by the governing body or advisory agency the map shall be delivered to the county recorder. The filing of the map shall constitute legal reversion to acreage of the land affected thereby, and shall also constitute abandonment of all streets and easements not shown on the map.

(c) A tax bond shall not be required in any of the cases covered by this section.

CHAPTER 624

An act to add Article 17 (commencing with Section 31880) to Chapter 3, Part 3, Division 4, of Title 3 of the Government Code, relating to county employees' retirement.

[Approved by Governor May 27, 1963. Filed with Secretary of State May 27, 1963.]

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

SECTION 1. Article 17 (commencing with Section 31880) is added to Chapter 3, Part 3, Division 4, of Title 3 of the Government Code, to read:

Article 17. Cost of Living Adjustment

31880. The board shall before April 1 of each year determine whether there has been an increase or decrease in the cost of living as provided in this section. Notwithstanding Section 31481 or any other provision of this chapter (commencing with Section 31450), every retirement allowance, optional death allowance, or annual death allowance payable to or on account of any member, of this system or a superseded system, who retires or dies or who has retired or died shall, as of July 1st of each year, be increased or decreased by a percentage of the total allowance then being received found by the board to approximate to the nearest one-half of 1 percent and rounded off to the nearest whole dollar, the percentage of annual increase or decrease in the cost of living as of January 1st of each year as shown by the then current Bureau of Labor Statistics Consumers Price Index for the area in which the county seat is situated, but such change shall not exceed 2 percent per year; however, the amount of any cost of living increase or decrease in any year which is not met by the maximum annual change of two (2) percent in allowances shall be accumulated to be met by increases or decreases in allowances in future years; except that no decrease shall reduce the allowance below the amount being received by the member or his beneficiary on the effective date of the allowance or the application of this article, whichever is later.

31881. Any such increases in allowances which are based upon service rendered prior to the applicable date of this article (as fixed pursuant to Section 31884) shall be funded insofar as possible from the moneys in the reserve described in Section 31592 which are in excess of one (1) percent of the assets of the retirement system; except that in counties which have applied Section 31592.2 the board of supervisors may fund all or part of such increases from the county advance reserves.

31882. Any such increases in allowances which are not funded as provided in Section 31881 and any such increases which are based upon service rendered after the applicable

date of this article (as fixed pursuant to Section 31884) shall be funded by contributions set by the board, as it determines necessary.

31883. Any increases in contributions shall be shared equally between the county or district and the contributing members, with the individual members' contributions based upon their sex and age at their nearest birthday at time of entrance into the retirement system.

31884. This article (commencing with Section 31880) may be made applicable in any county on the date specified in the ordinance, or if no such date is specified, on the first day of the month after the effective date of an ordinance adopted by the board of supervisors to this effect, provided that an actuarial survey of the retirement system has been made by the adopting county prior to the passage of said ordinance.

CHAPTER 625

An act to validate a distribution of money to school districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 27, 1963. Filed with Secretary of State May 27, 1963.]

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

SECTION 1. There is hereby ratified, confirmed, and validated any distribution made by a county auditor or other appropriate county officer of money from the State School Fund arising from pupil attendance during the 1960-61 fiscal year in a city high school district having an average daily attendance of 100,000 or more during that fiscal year and from which district one or more unified school districts were formed under the optional reorganization sections of the Education Code, said new districts being effective for all purposes on July 1, 1961.

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

There is an ambiguity in the law concerning the distribution of certain State School Fund money to school districts which have been reorganized under the provision for the optional reorganization of school districts. Funds were distributed to reorganized school districts during the 1961-1962 fiscal year in an equitable manner and in conformity with the understanding upon which the approval, by the electors, of the reorganization proposal was based. The funds so distributed have been expended by the school districts for district expenses in the same 1961-1962 fiscal year. In order to clarify the law

concerning the distribution of funds to reorganized school districts and to prevent the disruption of the finances and consequently the educational programs of reorganized school districts to the detriment of the education of the children of the district, it is necessary that this act take effect immediately.

CHAPTER 626

An act to amend Sections 4125, 4126.5, and 4142 of, to repeal Section 4280.1 of, and to add Section 4280.2 to, the Agricultural Code, relating to milk and dairy products.

[Approved by Governor May 27, 1963. Filed with Secretary of State May 27, 1963.]

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

SECTION 1. Section 4125 of the Agricultural Code is amended to read:

4125. In the marketing of market milk, cream and dairy products the methods of doing business or trade practices described in this article, of manufacturers, distributors, producers, wholesale customers, retail stores, consumers, or any representatives thereof, are hereby declared unfair practices and are unlawful.

SEC. 2. Section 4126.5 of said code is amended to read:

4126.5. The payment or gift or the offer or promise of any payment or gift of money or other thing of value by a producer or distributor, directly or indirectly or through any agent or other intermediary, to any person with the purpose or design of inducing such person to become or remain a wholesale customer of any distributor is an unfair practice.

SEC. 3. Section 4142 of said code is amended to read:

4142. Solicitation by, or collusion or joint participation between or among, any manufacturer, distributor, producer, wholesale customer, retail store, consumer, or any representative thereof, to commit any of the aforesaid unfair practices, or the use of any misrepresentation, threat, intimidation, or boycott to effectuate the commission of said unfair practices, shall make all persons participating therein subject to the penalties of this chapter.

SEC. 4. Section 4280.1 of said code is repealed.

SEC. 5. Section 4280.2 is added to said code, to read:

4280.2. Each such plan shall contain provisions for prohibiting producers and distributors from engaging in the unfair practices hereinafter set forth:

(a) The payment or gift or the offer or promise of any payment or gift of money or other thing of value, directly or indirectly or through any agent or other intermediary, to any person with the purpose or design of inducing such person to become or remain the wholesale customer of any distributor.

(b) The payment or gift or the offer or promise of any payment or gift of money or other thing of value by any person, directly or indirectly, or through any agent or other intermediary, to any distributor or producer, or the acceptance by any distributor or producer of such payment or gift or thing of value:

(1) For the purpose of inducing a distributor or producer to enter into a new contract, or to renew, extend, or modify an existing contract, for the purchase of fluid milk by a distributor from a producer; or

(2) As a condition upon which a distributor will enter into a new contract, or renew, extend, or modify an existing contract for the purchase of fluid milk from a producer; or

(3) For the purpose of enabling a distributor to pay to a producer, or a producer to receive from a distributor, less than the minimum class usage prices established by the director to be paid by distributors to producers for fluid milk.

CHAPTER 627

An act to amend Section 6702 of the Financial Code, relating to savings and loan associations.

[Approved by Governor May 28, 1963. Filed with Secretary of State May 28, 1963.]

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

SECTION 1. Section 6702 of the Financial Code is amended to read:

6702. An association may invest in, hold, buy, and sell the following:

(a) Real property used or to be used primarily as the principal office or branch of the association, and real property used or to be used primarily as a service office of the association or an undivided interest in real property used or to be used primarily as a service office or office of the association and of other associations owning the other undivided interests in such real property. As used in this subdivision the term real property includes real property in reasonably close proximity to a principal, branch, or service office used or to be used primarily as a parking lot in connection with the operations of such office. Except as provided in Section 6703 no association shall invest in such real property more than one-half of the sum of its aggregate paid-up nonwithdrawable capital, federal insurance reserve, loan reserve, and any surplus and reserve which is not subject to distribution to the shareholders or stockholders except upon dissolution or liquidation.

(b) Furniture, fixtures, furnishings, equipment and leasehold improvements necessary or proper for the business of the association, or for use in connection with properties owned by

or securing loans of the association. Except as provided in Section 6703 no association shall invest in furniture, fixtures, furnishings, equipment, and leasehold improvements for its offices, more than 20 percent, or if it has no real property used or to be used primarily as its principal office or branch, 30 percent of the sum of its aggregate paid-up nonwithdrawable capital, federal insurance reserve, loan reserve, and any surplus and reserve which is not subject to distribution to the shareholders or stockholders except upon dissolution or liquidation.

(c) United States government bonds and treasury certificates, or any bonds, debentures, notes, or other obligations guaranteed by the United States of America.

(d) Bonds, debentures, and notes issued by any federal home loan bank, or other similar federal agency.

(e) Consolidated federal home loan bank bonds, debentures, or notes.

(f) Bonds of this State or of any flood control and water conservation districts or any zone thereof having an assessed valuation on taxable real property of not less than one million dollars ($1,000,000), county, city and county, city, metropolitan water district, municipal utility district, any special district established by and within any municipal utility district, transit district, rapid transit district, metropolitan transit authority, flood control district, or school district of the State of California.

(g) Bonds, other securities, and bankers' acceptances which are expressly authorized as legal investments for or purchase by savings banks in this State.

(h) Bonds issued by any railroad corporation or any public utility corporation substantially all of the properties of which are located in the United States of America. Railway corporations and public utility corporations, as used in this subdivision, do not include street railway corporations. The purchase of all bonds pursuant to the sole authority of this subdivision shall be first approved by the commissioner.

(i) Stock, shares, debentures and bonds of any International Home Loan Bank which may hereafter be incorporated by authority of an act of Congress.

(j) California street improvement bonds. The purchase of all bonds pursuant to the sole authority of this subdivision shall be first approved by the commissioner and no association at any one time shall have invested pursuant to the sole authority of this subdivision an aggregate amount in excess of 2 percent of the then total assets of the association.

(k) Stock issued by any federal home loan bank or other similar federal agency of which the association is eligible to be a member.

(*l*) Bonds, notes, debentures, or other obligations of national mortgage associations or other similar credit institutions now or hereafter organized under Title III of the National Housing Act including without limitation bonds, notes, debentures, or other obligations of Federal National Mortgage Association.

The purchase of all bonds, notes, debentures or other obligations pursuant to the sole authority of this subdivision shall be first approved by the commissioner.

(m) Bonds and other securities as provided in Division 11 of this code.

(n) Stock of Federal National Mortgage Association evidencing nonrefundable capital contributions required in connection with sales or contracts for sale of loans from an association to said Federal National Mortgage Association. An association is authorized to make payments of such required nonrefundable capital contributions. No association at any one time shall have invested pursuant to the sole authority of this subdivision an aggregate amount in excess of 1 percent of the then total assets of the association.

CHAPTER 628

An act to amend Section 450 of, and to add Sections 450.1 and 474 to, the Military and Veterans Code, relating to military courts and disciplinary punishments within the California National Guard, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 28, 1963. Filed with Secretary of State May 28, 1963.]

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

SECTION 1. Section 450 of the Military and Veterans Code is amended to read:

450. The military courts of this State are: (a) general courts-martial; (b) special courts-martial; (c) summary courts-martial; and (d) courts of inquiry.

SEC. 2. Section 450.1 is added to said code, to read:

450.1. (a) Under such regulations as the Governor may prescribe, and under such additional regulations as may be prescribed by the Adjutant General, limitations may be placed on the powers granted by this section with respect to the kind and amount of punishment authorized, the categories of commanding officers and warrant officers exercising command authorized to exercise those powers, the applicability of this section to an accused who demands trial by court-martial, and the kinds of courts-martial to which the case may be referred upon such a demand. Except in the case of the imposition of fines upon officers and warrant officers, punishment may not be imposed upon any member of the California National Guard under this section if the member has, before the imposition of such punishment, demanded trial by court-martial in lieu of such punishment. Under similar regulations, rules may be prescribed with respect to the suspension of punishments authorized hereunder. If authorized by regulations

of the Adjutant General, a commanding officer who under the Uniform Code of Military Justice would exercise general court-martial jurisdiction or an officer of general rank in command may delegate his powers under this section to a principal assistant.

(b) Subject to subdivision (a) of this section, any commanding officer may, in addition to or in lieu of admonition or reprimand, impose one or more of the following disciplinary punishments for minor offenses without the intervention of a court-martial:

(1) Upon officers of this command:

(A) Restriction to certain specified limits, with or without suspension from duty, for not more than 30 consecutive days.

(B) If imposed by an officer who under the Uniform Code of Military Justice would exercise general court-martial jurisdiction or an officer of general rank in command:

(i) Arrest in quarters for not more than 30 consecutive days.

(ii) Impose a fine of not more than 15 days pay per month for two months.

(iii) Restriction to certain specified limits with or without suspension from duty for not more than 60 consecutive days.

(iv) Detention of not more than 15 days' pay per month for three months.

(2) Upon other personnel of his command:

(A) Correctional custody for not more than seven consecutive days.

(B) Impose a fine of not more than seven days' pay.

(C) Reduction to the next inferior pay grade, if the grade from which demoted is within the promotion authority of the officer imposing the reduction or any officer subordinate to the one who imposes the reduction.

(D) Extra duties, including fatigue or other duties, for not more than 14 consecutive days.

(E) Restriction to certain specified limits, with or without suspension from duty, for not more than 14 consecutive days.

(F) Detention of not more than 14 days' pay.

(G) If imposed by an officer of the grade of major or above:

(i) Correctional custody for not more than 30 consecutive days.

(ii) Impose a fine of not more than 15 days' pay per month for two months.

(iii) Reduction to the lowest or any intermediate pay grade, if the grade from which demoted is within the promotion authority of the officer imposing the reduction or any officer subordinate to the one who imposes the reduction, but an enlisted member in a pay grade above E-4 may not be reduced more than two pay grades.

(iv) Extra duties, including fatigue or other duties, for not more than 45 consecutive days.

(v) Restrictions to certain specified limits, with or without suspension from duty, for not more than 60 consecutive days.

(vi) Detention of not more than 15 days' pay per month for three months.

The punishments heretofore prescribed by subdivision (b) (1) A, B(i) and (iii) and subdivision (b) (2) A, D, E, G(i), (iv) and (v) hereof may be imposed only during annual active duty for training or active state service, except that extra duties may be imposed upon enlisted men while in armory drill status for two hours (to be completed not later than 2400 hours) for two consecutive drills.

Detention of pay shall be for a stated period of not more than one year but if the offender's term of service expires earlier, the detention shall terminate upon that expiration. No two or more of the punishments of arrest in quarters, correctional custody, extra duties, and restriction may be combined to run consecutively in the maximum amount imposable for each. Whenever any of those punishments are combined to run consecutively, there shall be an apportionment. In addition, forfeiture of pay may not be combined with detention of pay without an apportionment. For the purposes of this subdivision, 'correctional custody' means the physical restraint of a person during duty or nonduty hours and may include extra duties, fatigue duties, or hard labor. If practicable, correctional custody shall not be served in immediate association with persons awaiting trial or held in confinement pursuant to trial by court-martial.

(c) An officer in charge may impose upon enlisted members assigned to the unit of which he is in charge such of the punishments authorized under subdivision (b)(2)(A) to (G), inclusive, as the Adjutant General may specifically prescribe by regulation.

(d) The officer who imposes the punishment authorized in subdivision (b), or his successor in command, may, at any time, suspend probationally any part or amount of the unexecuted punishment imposed and may suspend probationally a reduction in grade or a fine imposed under subdivision (b), whether or not executed. In addition, he may, at any time, remit or mitigate any part or amount of the unexecuted punishment imposed and may set aside in whole or in part the punishment, whether executed or unexecuted, and restore all rights, privileges, and property affected. He may also mitigate reduction in grade to a fine or detention of pay. When mitigating:

(1) arrest in quarters to restriction;
(2) correctional custody to extra duties or restriction, or both; or
(3) extra duties to restriction;

the mitigated punishment shall not be for a greater period than the punishment mitigated. When mitigating a fine to detention of pay, the amount of the detention shall not be greater than the amount of the fine. When mitigating reduction in grade to a fine or detention of pay, the amount of the fine or detention shall not be greater than the amount that

could have been imposed initially under this article by the officer who imposed the punishment mitigated.

(e) A person punished under this section who considers his punishment unjust or disproportionate to the offense may, through the proper channel, appeal to the next superior authority. The appeal shall be promptly forwarded and decided, but the person punished may in the meantime be required to undergo the punishment adjudged. The superior authority may exercise the same powers with respect to the punishment imposed as may be exercised under subdivision (d) by the officer who imposed the punishment. Before acting on an appeal from a punishment of:

(1) arrest in quarters for more than seven days;
(2) correctional custody for more than seven days;
(3) a fine of more than seven days' pay;
(4) reduction of one or more pay grades from the fourth or a higher pay grade;
(5) extra duties for more than 14 days;
(6) restriction for more than 14 days; or
(7) detention of more than 14 days' pay;

the authority who is to act on the appeal shall refer the case to a judge advocate of the California National Guard for consideration and advice, and may so refer the case upon appeal from any punishment imposed under subdivision (b).

(f) The imposition and enforcement of disciplinary punishment under this section for any act or omission is not a bar to trial by court-martial for a serious crime or offense growing out of the same act or omission, and not properly punishable under this section; but the fact that a disciplinary punishment has been enforced may be shown by the accused upon trial, and when so shown shall be considered in determining the measure of punishment to be adjudged in the event of a finding of guilty.

(g) The Adjutant General may, by regulation, prescribe the form of records to be kept of proceedings under this article and may also prescribe that certain categories of those proceedings shall be in writing.

SEC. 3. Section 474 is added to said code, to read:

474. The Adjutant General, under procedures established by him and approved by the Governor, and acting through a board of officers appointed by him, may correct any military record of a California National Guardsman when he considers it necessary to correct an error or remove an injustice.

SEC. 4. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The stated intent of the Legislature (Sections 100, 101 and 451, Military and Veterans Code) is to conform the organization and procedure of the California National Guard to the custom and practices of the Armed Forces of the United

States. By congressional action (Section 815, Title 10, United States Code) an Executive Order of the President of the United States (Executive Order No. 11081, dated January 29, 1963), Article 15 of the Uniform Code of Military Justice, has been amended to change the authority of Commanding Officers of the Federal Military Forces to impose disciplinary measures in their commands. It is necessary that this act take effect immediately to provide similar authority to Commanding Officers of the California National Guard consistent with the legislative policy mentioned above.

CHAPTER 629

An act to repeal Division 4 (commencing with Section 901) and Division 5 (commencing with Section 1601) and Sections 5715.1, 13702, 13704, 21752, 21753, and 21755 of, to amend Sections 812, 5602, 5603, 9252, 14552, 14702, 15505, 15507, 15508, 20803, 21701, 21751, and 25508.5 of, to amend and renumber Sections 2592, 21754, 21756, 21757, 21758, and 21759 of, and to add Division 4 (commencing with Section 911) and Division 5 (commencing with Section 1601) to, and to add Sections 657, 812.5, 820, 5031, 5251.1, 5557, 5904, 7155, 11805, 13702, 15006.1, 15008, 15009, 15805.5, 16002, 16523, 17609.1, 17609.2, 17617, 20205.1, 20205.2, 21752 to, to add Chapter 3 (commencing with Section 871) to Division 3 of, a new article heading immediately preceding Section 5001, and Article 2 (commencing with Section 5011), and Article 3 (commencing with Section 5021) to Chapter 1 of Division 6 of, the Education Code, relating to the establishment, maintenance, government, and operation of schools.

[Approved by Governor May 28, 1963 Filed with Secretary of State May 28, 1963]

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

SECTION 1. Division 4 (commencing with Section 901) of the Education Code is repealed.

SEC. 2. Division 4 (commencing with Section 911) is added to said code, to read:

DIVISION 4. LOCAL EDUCATIONAL AGENCIES

CHAPTER 1. SCHOOL DISTRICTS

Article 1. Naming of Districts

911. The first governing board of any new district shall, at the first meeting of the board or as soon as practicable thereafter, name the district.

The name of an elementary district shall be in the form of "_____ District (using the name of the district), of _____ County" (using the name of the county in which the district is situated). The name of an elementary district shall not include a number or the word "elementary."

The name of a unified school district shall be in the form of "_____ (using the name of the district) Unified School District." A number shall not be used as a part of the designation of any unified school district.

The governing board of any high school district maintaining a junior college may, pursuant to Section 913, request that the name of the district be changed to include the words "high school district and junior college."

Any union high school district or joint union high school district shall be so designated as part of its name.

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

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

913. In addition to the procedures set forth in Sections 911 and 912, a petition may be presented to the superintendent of schools having jurisdiction of any high school district signed by at least two-thirds of the members of the governing board of the high school district asking that the name of the district be changed and stating the new name desired. The procedure shall thereafter be the same as is provided for electors' petitions in Section 912, except:

(a) The clerk of the board of supervisors shall give notice to all persons interested, by publication in a newspaper published within the high school district, or, if there is none, then in any newspaper published in the county, of the time set for the hearing of the petition, instead of by registered mail. The notice shall be published at least twice before the day set for hearing.

(b) In addition to notification of the county superintendent of schools, the change shall be certified to the county clerk of each county in which any part of the high school district is situated and entered by him in his record of high school districts.

Article 2. Boundaries of Districts

915. Every county superintendent shall inquire and ascertain whether the boundaries of the school districts in his

county are definitely and plainly described in the records of the board of supervisors and keep in his office a full and correct transcript of the boundaries.

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

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

916. Whenever the boundary line of any school district is described as being "to" or "from" the ocean shore, such description means to or from a point three miles seaward from the shore.

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

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

917. Whenever any school district has been or is hereafter intersected by any county boundary line in the formation of any new county, or in changing the boundary of any county, and portions of the district then lie in different counties, the district shall, by operation of law, constitute and become established as a joint school district, at the time of the intersection, unless otherwise provided.

CHAPTER 2. SCHOOL DISTRICT GOVERNING BOARDS

Article 1. General Provisions

921. Every school district shall be under the control of a board of school trustees or a board of education.

923. Except as otherwise provided, the governing board of a school district shall consist of five members elected at large by the qualified voters of the district. The terms of the members shall, except as otherwise provided, be for four years and staggered so that as nearly as practicable one-half of the members shall be elected in each odd-numbered year.

923.5. A unified school district formed pursuant to the provisions of Chapter 10 (commencing with Section 3101) of Division 5 of this code may have a governing board of seven

members in the event the proposal for unification has specified a governing board of seven members. The members of such board shall be elected at large or by trustee areas as designated in the proposal for unification and shall serve four-year terms of office.

924. Notwithstanding the provisions of Section 923, and except as provided in this section and Section 1120, the governing board of an elementary school district other than a union or joint union elementary school district shall consist of three members selected at large from the territory comprising the district. Whenever, in any such elementary school district the average daily attendance during the preceding fiscal year is 300 or more, the procedures prescribed by Section 1120 shall be undertaken.

925. The governing board of each school district shall prescribe and enforce rules not inconsistent with law or with the rules prescribed by the State Board of Education, for its own government.

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

A junior college district coterminous with a single unified school district shall be governed by the governing board of the unified school district.

This section does not apply to junior college districts formed pursuant to Article 3 (commencing with Section 2551) of Chapter 6 of Division 5 of this code.

Article 2. School District Officers and Agents

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

932. Every school district governing board consisting of five or more members shall, at its initial meeting and at each annual meeting, elect a president from among its members.

932.1. The governing board of each school district of every kind or class shall annually at its initial meeting select one of its members as its representative who shall have one vote in determining the number of members, and one vote for each member to be elected to the county committee provided by Article 3 (commencing with Section 3161) of Chapter 10 of Division 5 of this code. The secretary or clerk of the district shall furnish the county superintendent of schools with a certificate naming the representative selected by the board.

933. The governing board of any school district may appoint an executive committee. In the case of a governing board which has appointed a clerk, the committee shall consist of the president, the clerk, and one other member of the board.

In the case of a governing board which has not appointed a clerk the committee shall consist of the president and two members of the board. The committee shall attend to the routine business of the board. Its action shall be reported to the board for ratification at its first meeting ensuing.

934. The governing board of any school district may employ a person not a member of the board to act as secretary and bookkeeper for the board, and may delegate to such secretary the duties prescribed in paragraphs (a) and (c) of Section 1031.

935. The governing board of any school district employing eight or more teachers, and the governing board of any junior college district, may employ a district superintendent for one or more schools and may delegate to the district superintendent any of the duties provided for in Section 1031.

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

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

938. Any district superintendent of schools, or deputy, associate, or assistant superintendent of schools, may be elected for a term of four years. The governing board of any school district, with the consent of the employee concerned, may at any time terminate, effective on the next succeeding first day of July, the term of employment of, and any contract of employment with, the superintendent of schools, or any associate, deputy, or assistant superintendent of schools of the district, and re-elect or re-employ the employee, on such terms and conditions as may be mutually agreed upon by the board and the employee, for a new term to commence on the effective date of the termination of the existing term of employment. In the event the governing board of a school district determines the superintendent of schools of the district is not to be re-elected or re-employed as such superintendent upon the expiration of his term, the superintendent of schools shall be given written notice thereof by the governing board at least six months in advance of the expiration of his term. In the event the governing board of a district fails to re-elect or re-employ the superintendent of schools of the district as such superintendent and the written notice herein provided for has not been given, the superintendent of schools shall be deemed re-elected for a term of the same length as the one completed, and under the same terms and conditions and with the same compensation.

938.2. If a unified school district is formed pursuant to Chapter 10 (commencing with Section 3101) of Division 5 of this code to comprise all the territory of only one elementary school district, the governing board of the unified district may elect and re-elect as district superintendent of schools of the unified district for a four-year term, the person employed as district superintendent of schools of the elementary school district at the time of the formation of the unified school district. The person may perform service as district superintendent of schools of the unified district for the term to which he is elected or re-elected without possessing the certification document otherwise required if he has served continuously as district superintendent of the elementary district for at least 10 years and if he is elected as district superintendent of the unified district pursuant to this section.

938.5. (a) The members of the governing board of each unified school district shall elect a superintendent of schools, for a term of four years, who shall be executive officer and secretary of said governing board. Where the entire area of a county is included within one unified school district or where the entire area of a county is included within one unified school district except for such portions of the county as are included in a school district which is under the jurisdiction of the county superintendent of schools of another county, the county superintendent of schools may be employed as the superintendent of schools of the unified school district; provided, he is the holder of a certification document authorizing him to perform such services. If a county superintendent of schools is employed as the superintendent of schools of a unified school district, he may be paid such salary, in addition to that provided by law for his office of county superintendent of schools, as he and the governing board of the unified school district may agree upon.

(b) Any county superintendent of schools who is employed as a district superintendent of a unified school district on the effective date of this section, may continue to perform such services without possessing the certification document otherwise required as long as he remains continuously employed or re-employed in his position.

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

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

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

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

(d) Determine that each employee of the district in a position requiring certification qualifications has a valid certificated document registered as required by law authorizing him to serve in the position to which he is assigned.

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

940. Any district governing board not employing a district superintendent, or employing a district superintendent but not delegating to him those duties prescribed in Section 1031 which are not delegated to a secretary as provided in Section 934, shall, at its initial meeting and at each annual meeting, appoint a clerk, who shall perform all duties prescribed in Section 1031 not delegated by the governing board to the secretary or to the district superintendent.

941. Except as provided in Section 1232, the clerk shall be a member of the board.

942. In any district the governing board of which is required by the provisions of Section 940 to appoint a clerk, the superintendent of schools of the county shall appoint one of the members of the governing board to fill the office of district clerk if a clerk is not appointed by the governing board on the date prescribed, or if, except as provided in Section 943, a vacancy occurs in the position of district clerk.

943. If the clerk of the district refuses to perform the duties prescribed in Section 1031 or by the governing board, the board may at a regular meeting dismiss him and appoint another member clerk. It shall immediately notify the superintendent of schools of the county of its action.

944. The clerk, secretary, and superintendent of the district shall, in addition to the duties prescribed by this chapter, perform such other duties as may be prescribed by the governing board of the district.

945. Anything in a city, county, or city and county charter to the contrary notwithstanding, when the average daily attendance of any school district, or of two or more school districts governed by governing boards of identical personnel, is 40,000 or more, the governing board or boards of the district, or districts, may appoint an administrative adviser and fix and order paid his compensation. The duties of the administrative adviser are to render administrative advice to the superintendent of schools and to other officers and employees of the school district, or districts, such other administrative duties as may be assigned by the superintendent of schools and the governing board, or boards, of the district, and to assist the legal counsel of the district, or districts, in the preparation and conduct of school district litigation. The employee shall have been admitted to practice law in the State, and shall not be required to have any certification qualifications. The employee

shall be employed under the same conditions for employment as set forth in Sections 13303, 13304, and 13306.

946. The governing boards of each school district shall employ a principal for each school under its control.

947. Whenever in their judgment it is deemed advisable, the governing boards of any two or more school districts may jointly employ a supervising principal or a supervisor of instruction, who shall devote such time to the supervision of instruction in the several school districts as may be agreed upon by the several boards of trustees.

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

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

Article 3. Meetings

961. Subject to the provisions of this article the governing board of any school district shall by rule and regulation fix the time and place for its regular meetings. Such action shall be proper notice to all members of the board of the regular meetings.

962. The governing board of any junior college district composed of two or more high school districts, and the governing board of any union or joint union high school district, shall hold its regular meetings either monthly or quarterly. The governing board of any other junior college district, and the governing board of any other high school district, shall hold its regular meetings monthly.

963. Subject to the provisions of Section 962, the times at which the regular meetings of the governing board of a junior college district and the governing board of a high school district are to be held shall be prescribed by the rules and regulations adopted by each such board for its own government.

964. The governing board of any school district shall meet annually on the first day of July and elect its officers as provided in this chapter. Governing boards of high school districts, including union and joint union districts, and of junior college districts, shall meet at 12 o'clock noon, unless at a meeting held between May 15 and June 15 the board shall set some other hour. In case such action is taken, the clerk of the board shall

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

965. A special meeting of the governing board of a school district may be called at any time by the presiding officer of the board, or by a majority of the members thereof, by delivering personally or by mail written notice to each member of the board, and to each local newspaper of general circulation, radio or television station requesting notice in writing. Such notice must be delivered personally or by mail at least 24 hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings by the governing board. Such written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the clerk or secretary of the board a written waiver of notice. Such waiver may be given by telegram. Such written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes.

966. Except as provided in Section 967, all meetings of the governing board of any school district shall be open to the public, and all actions authorized or required by law of the governing board shall be taken at such meetings.

967. Notwithstanding the provisions of Section 966 of this code and Section 54950 of the Government Code, the governing body of a school district may hold executive sessions to consider the expulsion, suspension, or disciplinary action in connection with any pupil of the school district, if a public hearing upon such question would lead to the giving out of information concerning school pupils which would be in violation of Section 10751 of the Education Code.

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

968. Each member of the governing board of a school district may be allowed for travel necessary to attend annual,

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

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

Except as otherwise provided in this section, all meetings of the governing board of a junior college district shall be held at the junior college building. If no junior college building exists in the district, or if the junior college consists of a single high school district, the junior college board may meet at any place in the district as it may by resolution determine.

If a junior college district consists of more than one high school district, or of more than one unified district, or of at least one high school district and one unified district, the junior college governing board may meet at any high school building in any of such districts, if a notice identifying the high school building in which the meeting will be held and the time and date of the meeting therein is posted in each junior college maintained by the district at least 30 days prior to the meeting and remains so posted to and including the time of the meeting.

Chapter 3. Powers and Duties of School District Governing Boards

Article 1. General Provisions

1001. The governing board of any school district may execute any powers delegated by law to it or to the district of which it is the governing board, and shall discharge any duty imposed by law upon it or upon the district of which it is the governing board.

1002. In the name by which the district is designated the governing board may sue and be sued, and hold and convey property for the use and benefit of the school district.

1002.5. Every official action taken by the governing board of every school district shall be affirmed by a formal vote of the members of the board, and the governing board of every school district shall keep minutes of its meetings, and shall maintain a journal of its proceedings in which shall be recorded every official act taken.

The minutes and journal shall be open to inspection by any citizen during business hours.

1003. The governing board of each unified school district shall have the same powers and duties as are by law granted to the governing boards of the elementary school districts, the high school districts, and the junior college districts merged into, or otherwise included within, the unified school district.

1003.5. Except where otherwise provided, all of the provisions of this code applicable to the government, maintenance, support, functions, and administration of elementary, high school, and junior college districts are applicable to the government, maintenance, support, and administration of unified school districts.

1004. The governing board of a suspended district shall have, among other powers possessed by said board, power to repair and insure the school property of the district and to contract for the transportation of the children eligible to attend the school of and resident in the district to the adjoining school district or districts where they are attending public schools, and for these purposes the board may expend any money available for such purposes and credited to the district. The insurance shall be written in any admitted insurer.

Article 2. Liabilities

1011. The governing board of any school district is liable as such in the name of the district for all debts and contracts, including the salary due any teacher, not made in excess of the school moneys accruing to the district and usable for the purposes of the debts and contracts during the school year for which the debts and contracts are made. The district shall not be liable for debts and contracts made in violation of this section.

1012. The governing board of any school district is liable as such in the name of the district for any judgment against the district on account of injury to person or property arising because of the negligence of the district, or its officers or employees.

1013. The governing board of any school district shall pay any judgment for debts, liabilities, or damages out of the school funds to the credit of the district, subject to the limitation on the use of the funds provided in the Constitution. If any judgment is not paid during the tax year in which it was recovered:

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

(b) And if, in the opinion of the board, the amount of the judgment is so great that undue hardship will arise if the entire amount is paid out of taxes for the next ensuing tax year, the board shall provide for the payment of the judgment in not exceeding three annual installments with interest thereon, at a rate not exceeding 4 percent per annum, up to

the date of each payment, and shall include provision for the payment in each budget for not exceeding three consecutive tax years next ensuing. Each payment shall be of an equal portion of the principal of the judgment.

1014. All claims for money or damages against a school district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

1015. Upon request of the governing board of the school district, the district attorney of the county in which a school district is located shall, without fee or other charge, defend:

(a) The district in any suit brought against the district for injury to any pupil for any cause.

(b) Any member of the governing board of the school district in any suit brought against the member as an individual, for any act, or omission, in the line of his official duty as member of the board.

(c) Any employee of the school district in any suit brought against the employee for any act performed in the course of his employment.

1016. The governing board of any school district may contract for the services of an attorney in private practice to prepare and conduct school district litigation, or to assist it in the preparation and conduct of school district litigation, and compensation of such attorney pursuant to contract shall be a proper use of school district funds.

1017. The governing board of any school district shall insure against the liability (other than a liability which may be insured against under the provisions of Divisions 4 and 5 of the Labor Code) of the district and against the personal liability of the members of the board and of the officers and employees of the district, for damages to property or damage by reason of the death of, or injury to, any person or persons, as the result of any negligent act by the district, or by a member of the board, or any officer or employee when acting within the scope of his office or employment, and may also insure against the personal liability of the members of the board or any officer or employee of the district as an individual, for any act or omission performed in the line of official duty. The insurance may be written in any insurance company authorized to transact the business of insurance in the State, or in a nonadmitted insurer to the extent and subject to the conditions prescribed by Section 1763 of the Insurance Code.

Article 3. Instructions From Electors

1021. The governing board of a school district, except a district having a city board of education, may, and upon a petition signed by a majority of the electors resident in the district shall, call meetings of the qualified electors of the district for consultation in regard to any affairs in the district. A

meeting so called shall be competent to instruct the governing board, and the board shall, in all cases, be bound by such instructions upon the following subjects:

(a) The location or change of location of the schoolhouse, if the proposal to instruct the board in regard to changing the location of the schoolhouse is passed by a vote of two-thirds of all the electors voting at the meeting upon the proposition.

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

(c) The sale and purchase of school sites.

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

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

1022. The meeting provided for in Section 1021 shall be called by posting three notices in public places, one of which shall be in a conspicuous place on the schoolhouse, for not less than 10 days prior to the time for which the meeting is called. The notices shall specify the purposes for which the meeting is called, and no other business shall be transacted at the meeting.

1023. Any district meeting called pursuant to Sections 1021 and 1022 shall be organized by choosing a chairman from the electors present. The district clerk or secretary shall be clerk of the meeting, and shall enter the minutes on the records of the district. Any district meeting may be adjourned from time to time as found necessary. All votes instructing the board of trustees shall be taken by ballot, or by "ayes" and "noes" vote as the meeting may determine.

Article 4. Records and Reports

1031. The governing board of every school district shall:

(a) Certify or attest to actions taken by the governing board whenever such certification or attestation is required for any purpose.

(b) Keep an accurate account of the receipts and expenditures of school moneys, and keep such record open to public inspection.

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

(d) Make or maintain such other records or reports as are required by law.

1032. Whenever in any school year the school register of any teacher, or other records of any school district are destroyed by conflagration or public calamity, preventing the teacher and school officers from making their annual reports in the usual manner and with accuracy, affidavits of the teacher, the school principals, or other officers of the school district, certifying as to the contents of the destroyed register or other records, shall be accepted by all school authorities for all school purposes appertaining to the school district, except that of average daily attendance.

1033. Whenever the average daily attendance of any school district has been materially affected in any school year by conflagration, public calamity, or epidemic of unusual duration and prevalence, the regular annual reports of the teacher, the school principal, or officers of the school district, shall be accepted by all school officers for all school matters appertaining to the school district, except that of average daily attendance.

1034. Whenever the destruction of records of a district is not otherwise authorized or provided for by law, the governing board of the district may destroy such records of the district in accordance with regulations of the Superintendent of Public Instruction which he is herewith authorized to adopt.

1035. The governing board of any school district may make microfilm or photographic copies of any records of the district. The original of any records of which a photographic or microfilm copy has been made may be destroyed when provision is made for permanently maintaining such photographic or microfilm copies in the files of the district, except that no original record that is basic to any required audit shall be destroyed prior to the second July 1st succeeding the completion of the audit.

1036. In any joint school district, all returns, reports, certificates, estimates, petitions, and other papers of any kind relating to schools and school districts, required by law to be filed with or presented to the board of supervisors or county superintendent of schools, shall be filed with or presented to the supervisors or superintendent of schools of each county in which any portion of the district is situated.

1037. The governing board of any school district may make a charge for furnishing transcripts of former pupils' records in excess of two copies, and for more than two verifications of various records of former pupils. Such a charge shall be fifty cents ($0.50) or an amount not to exceed the cost of rendering the service, whichever is the lesser.

Article 5. Powers With Respect to Property

1041. The governing board of any school district may select and acquire sites within the boundaries of the district, and

may acquire or construct thereon school facilities, as provided by law.

1042. The governing board of any school district may acquire property, construct buildings, and maintain classes outside its boundaries on sites immediately adjacent to school sites of the district within its boundaries.

1043. The governing board of any school district may acquire and pay for educational and athletic equipment, supplies and materials, and other personal property necessary to its operation of the schools, as provided by law.

1044. The governing board of any school district may accept on behalf of, and in the name of, the district, such gifts, donations, bequests, and devises as are made to the district or to or for the benefit of any school or college administered by the district. Such gifts, donations, bequests and devises may be made subject to such conditions or restrictions as the governing board may prescribe. In no event shall the approval of any state agency be a prerequisite to acceptance by the governing board of a district maintaining a junior college of such a gift, donation, bequest, or devise.

Article 6. Maintenance of Schools

1051. The governing board of any school district shall maintain schools and classes as provided by law.

1052. The governing board of any school district shall prescribe rules not inconsistent with law or with the rules prescribed by the State Board of Education, for the government of the schools under its jurisdiction.

1053. The governing board of any school district shall visit each school in its district at least once each term, and examine carefully into the management, needs, and conditions of the schools. In any school district which employs district or city superintendents of schools, it shall either visit the schools or provide that they shall be visited by the district or city superintendent of schools or his assistants.

1054. The governing board of any school district shall maintain all of the elementary day schools established by it, and all of the day high schools established by it with equal rights and privileges as far as possible.

Article 7. Powers to Contract With Other Agencies

1061. The governing board of any school district and the county superintendent of schools having jurisdiction over the district may, with approval of the county board of education, enter into an agreement for service which by law the county superintendent of schools is authorized to render to be rendered by one for the other. The agreement shall provide for the payment of an amount not less than the cost of providing such service. The county superintendent of schools shall transfer from the funds of the district to the county school service

fund or from the county school service fund to the funds of the district the amount set forth in the agreement.

1062. One school district may perform school services for another school district, and receive pay from the other school district for the performance of the school service, whenever a contract approved by the county superintendent of schools covering the performance of and the payment for school service has been entered into by and between the governing boards of the school districts concerned. Nothing contained in this section shall be construed to authorize the establishment of separate schools for pupils for any reason other than those set forth in this code.

1063. The governing boards of two or more school districts whose boundaries are contiguous or coterminous may enter into an agreement upon such terms and conditions as may be agreeable to the respective governing boards, and subject to the approval of the county superintendent of schools, for the joint use and maintenance of school buildings and other school facilities.

1064. The governing board of any school district or the county superintendent of schools of any county may enter into agreements to render to a state college, to the University of California, or to any state institution any service which such governing board or county superintendent of schools is authorized to provide to school districts. Any such agreement must provide for the payment for services rendered of an amount not less than the cost of rendering such service. The Trustees of the California State Colleges, the Regents of the University of California, and the Director of Finance are hereby authorized to enter into such agreements as to any state college, the University of California, and any state institution, respectively.

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

1065. The governing board of any school district may enter into agreements with a state college, the University of California, or any other university or college accredited by the State Board of Education as a teacher education institution, to provide teaching experience through practice teaching and to provide for supervised field experience in the public schools in such areas as may be called for in the requirements of the various authorized credentials for public school service to students enrolled in teacher education curricula of such institutions. Any such agreement may provide for the payment for the services rendered by the school district of an amount not to exceed the actual cost to the school district of the services rendered or such agreement may provide for the rendering of services to the school district of a value not to exceed the

actual cost to the school district of the services rendered by the district. The Trustees of the California State Colleges and the Regents of the University of California are hereby authorized to enter into such agreements with the governing board of any school district as to any state college, and the University of California, respectively.

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

Article 8. Powers to Promote the Advancement of Education

1071. The governing board of any school district may:

(a) Conduct studies through research and investigation as are determined by it to be required in connection with the present and future management, conditions, needs, and financial support of the schools; or join with other school district governing boards in the conduct of such studies.

(b) Install and maintain exhibits of educational programs and activities of the school district at any county fair held in the county in which the district is located in whole or in part, or at any agricultural district fair held in the county in which the school district is located in whole or in part.

(c) Inform and make known to the citizens of the district, the educational programs and activities of the schools therein.

(d) Subscribe for membership for any school under its jurisdiction in any society, association, or organization which has for its primary purpose the promotion and advancement of public or private education.

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

(f) Select a member or members of the board to attend meetings of any society, association, or organization for which the school district has subscribed for membership, or any convention to which it may pay the expenses of any employee.

1072. The actual expenses of the member or members selected to attend a meeting or convention pursuant to subdivision (f) of Section 1071 of this code shall be allowed and paid out of the funds of the district, and the governing board of the district may authorize an advance of funds to cover such expenses, with the advance to be repaid or adjusted upon the filing of a regular claim for the actual expenses incurred. Except as otherwise provided in this section, the governing board of any school district may pay out of the same funds the actual and necessary expenses incurred in connection with

activities pursuant to subdivisions (a), (b), and (d) of Section 1071 of this code.

If any studies are undertaken jointly by two or more school districts pursuant to subdivision (a) of Section 1071, the costs thereof shall be apportioned among the participating districts as determined by the agreement of the governing boards. Expenses, including transportation expenses, incurred in connection with installing, maintaining and returning exhibits provided pursuant to subdivision (b) of Section 1071 of this code may be paid only out of funds of the district not required to be used for other purposes.

The State Board of Education shall approve a list of societies, associations and organizations in which membership may be taken by school districts, and no payment shall be made out of school funds for membership taken pursuant to subdivision (d) of Section 1071 of this code, in any society, association, or organization whose name does not appear in the list so approved; and the total amount paid on account of all such memberships for any school year shall not exceed the amount of actual dues of the society, association or organization during the school year.

1073. Nothing in subdivision (c) of Section 1071 shall be construed to authorize the preparation or dissemination of information for the purposes of influencing the electors in the district in voting at any school district election or in voting upon any proposition affecting the public schools of the district; provided, that nothing in this code shall be construed as prohibiting any member of the governing board of a school district or any administrative officer of a school district from appearing at any time before a citizens group, which requests his appearance, to discuss the reasons why the governing board of the school district called an election to submit to the voters of the district a proposition for the issuance of bonds or for an increase in the maximum tax rate of the district and to answer questions put to him by any taxpayer concerning the cost of such proposals.

CHAPTER 4. MEMBERSHIP OF GOVERNING BOARDS

Article 1. Interim Governing Boards

1101. Within 15 days after the action necessary for the formation of any elementary school district or high school district is completed, the county superintendent of schools shall appoint an interim governing board.

Within 15 days after the action necessary for the formation of any joint or joint union elementary school or high school district is completed, the county superintendent of schools having jurisdiction over the district shall appoint a majority of the members of an interim governing board. If the new district is in two counties, the other county superintendent shall appoint the rest of the interim governing board members

within such 15-day period. If the new district is in more than two counties, the other county superintendents shall appoint the rest of the interim governing board members within such 15-day period as may be agreed upon by them. If they cannot agree within such 15-day period, the county superintendent who appointed the majority of the interim governing board members shall appoint the rest of the members.

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

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

1102. In newly formed unified school districts and junior college districts, there shall be no interim governing board, but the county superintendent of schools having jurisdiction over the particular district shall call an election for the purpose of choosing the first governing board of the district. In junior college districts the call shall be issued not later than 30 days after the formation of the district.

In unified school districts the call shall be issued not later than the fourth Tuesday of January next succeeding the creation of the district. The superintendent shall set the date of the election in his call, but in the case of a unified school district the election shall be held not later than the third Tuesday in April next succeeding the call. The first members of the governing board of either form of district shall take office on the third Monday following their election. The term of office of subsequent members of the board shall begin on July 1st following their election.

1103. Within 20 days after the appointment or election of the interim or initial governing board of any newly formed district, the county superintendent of schools having jurisdiction over the district shall call a meeting of the board, by giving each member of the board at least 10 days' notice of such meeting by registered mail. At the meeting the board shall appoint such officers as boards of its class are required to appoint at annual meetings pursuant to Article 2 of Chapter 2 of this division, name the district pursuant to Article 1 of Chapter 1 of this division, and may conduct or transact any other business relating to the affairs of the district which can properly be conducted or transacted at a regular meeting of the board.

1104. In newly formed districts for which an interim governing board is appointed by the county superintendent of schools, a governing board member election shall be held:

(a) When the action necessary for the formation of a new school district is completed on or before the first of February

of any odd-numbered year, on the third Tuesday in April of such year.

(b) When the action necessary for the formation of a new school district is completed after the first of February of any year, whether even-numbered or odd-numbered, on the third Tuesday in April of the next succeeding year.

Such an election may be held on another date only if the county board of education gives its prior consent to the holding of such election on such other date. The terms of the members elected at the initial election shall begin on the first day of July, and the terms of their predecessors shall expire on the 30th day of June, following the election.

1104.3. Except as otherwise provided in this article, and notwithstanding the provisions of Section 1102, the county superintendent of schools having jurisdiction may call and set the date for an election for the purpose of electing the governing board of a unified school district proposed to be formed under Chapter 10 (commencing with Section 3101) of Division 5 of this code on the same date that the election is held for adopting or rejecting the plans and recommendations for the formation of a new district. The call for both elections shall be issued at the same time. The election shall be called, held, and conducted pursuant to the provisions of this article, Article 2 of this chapter, and Chapter 6 of this division.

1105. The majority of members of the first elected board of any newly formed school district, the members of which majority received the highest number of votes, shall serve until June 30 of the second succeeding odd-numbered year. The other members' terms shall expire on June 30 of the first succeeding odd-numbered year. All such members shall continue in office until their successors are elected and qualified.

Article 2. Election of Governing Board Members

1111. After the initial election of governing board members in any school district, a governing board member election shall be held biennially on the third Tuesday in April of each succeeding odd-numbered year to fill the offices of members whose terms expire on June 30th next succeeding the election. Except as provided in this chapter, or in Chapter 5 of this division, the elections shall be held and conducted in accordance with the provisions of Chapter 6 of this division.

1111.5. An annual election for members of the board of education shall be held in each unified district which is coterminous with or includes in its boundaries all or any portion of a chartered city or city and county the charter of which provides for a board of education, of five members with five-year terms, with the term of one member expiring each year.

The election shall be held annually on the third Tuesday in April. The election shall be called, held and conducted by the county superintendent of schools in substantially the same manner as prescribed by Section 1111.

1112. Any person, regardless of sex, who is 21 years of age or older, a citizen of the State, a resident of the school district, a registered voter, and who is not disqualified by the Constitution or laws of the State from holding a civil office, is eligible to be elected or appointed a member of a governing board of a school district.

1113. The county superintendent of schools having jurisdiction over a governing board member election shall cause a notice to file declarations of candidacy and nominations of candidates, to be published in a newspaper of general circulation published within the county. Such notice shall be substantially in the form provided in subdivision (c) of Section 1129 of this code.

Publication of notice pursuant to this section shall be once each week for three successive weeks. Three publications in a newspaper regularly published once a week or oftener, with at least five days intervening between the respective publication dates not counting such publication dates, are sufficient.

The first publication shall be made not more than 100 days, and the last publication shall be made not less than 60 days, prior to the date set for the election.

Proof of publication may be by affidavit.

1114. In any school district governing board election the name of any registered voter shall be placed on the ballot if there is filed with the county superintendent of schools having jurisdiction not less than 46 days prior to the election:

(a) A declaration of candidacy substantially in the form set forth in subdivision (a) of Section 1129, containing the appropriate information in the blank spaces and signed by the registered voter whose name is thereby to be placed on the ballot; or

(b) Nomination by sponsors, substantially in the form set forth in subdivision (b) of Section 1129, containing the appropriate information in the blank spaces and signed by at least three but not more than 10 persons each of whom is a registered voter and a parent of a pupil enrolled in a public school in the district.

1115. The form of the ballot for governing board member elections shall state that it is the official ballot provided by the county superintendent of schools to be used in the governing board member election held on the date concerned in the district concerned, naming the district and the county or counties in which the district is located, and shall state clearly the number of offices to be filled and the number of candidates for whom the voter is entitled to vote. The names of the candidates shall be listed, one name to a line, with a square opposite each name in which the voter may cast his vote for the candidate.

If the governing board member election is consolidated with any other election, the provisions of Article 3 (commencing with Section 1331) of Chapter 6 of this division shall apply to the form of ballot to be used.

1116. Any election held for the purpose of electing governing board members of any school district, including additional governing board members as provided by Section 1120 shall be held and conducted in accordance with the uniform procedures set forth in Chapter 6 of this division.

1117. When one member of the governing board is to be elected, the candidate receiving the highest number of votes shall be elected. When two or more members are to be elected, the two or more candidates receiving the highest number of votes shall be elected. Each voter may vote for as many candidates as there are members to be elected. The ballot shall contain instructions stating the maximum number of candidates for whom each voter may vote.

1118. If a tie vote makes it impossible to determine either which of two or more candidates has been elected to the governing board or the term of office of a governing board member, the county superintendent of schools having jurisdiction shall so certify to the governing board. The governing board shall forthwith notify the candidates who have received the tie votes to appear before it either personally or by a representative at a time and place designated by the governing board. The governing board shall at that time and place determine the winner or winners by lot.

1119. Each person elected at a regular biennial governing board member election shall hold office for a term of four years from July 1st next succeeding his election Any member of the governing board of any school district whose term has expired shall continue to discharge the duties of his office until his successor has qualified. The term of the successor shall begin upon the expiration of the term of his predecessor.

1120. Whenever, in any elementary school district having a governing board of three members, the average daily attendance during the preceding fiscal year became 300 or more, the governing board of the district shall do either of the following:

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

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

Candidates for the two additional offices or their sponsors shall state in the declarations of candidacy or nominations filed for the election that the candidates are candidates for the two additional offices separately from the other offices to be filled in the election and shall clearly indicate to the voters that they may vote for two of the candidates to take office if

the voters approve the proposed increase in the number of board members.

If the voters at such election do not approve such an increase in membership of the governing board, the same question may be submitted to the voters at subsequent governing board member elections so long as the district continues to have an average daily attendance of 300 or more. Requests to the county superintendent to submit the question to the voters of a district shall be filed with him by the governing board of the district no later than 100 days prior to the election.

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

1122. A proposal to establish, rearrange, or abolish trustee areas in a school district, other than a unified district formed pursuant to Chapter 10 (commencing with Section 3101) of Division 5, or a school district governed by a board of education provided for in the charter of a city or city and county, may be initiated by the county committee on school district organization of the county in which is located all or the greater part of the land of the school district concerned, on its own motion, by a petition to the county committee signed by two members of the governing board of the school district concerned if a three-member board, four members if a five-member board, five members if a seven-member board and three-fourths (¾) of the members of any other governing board of the school district concerned, or by a petition to the county committee signed by at least two percent (2%) of the qualified electors residing in such school district.

When any such proposal is made the county committee shall call and conduct a hearing in the district on the matter, and such committee shall be augmented, pursuant to Section 3205, for the purpose of the hearing. At the conclusion of the hearing, the committee shall approve or disapprove the proposal. If the committee approves the proposal it shall forthwith divide the district into trustee areas equal in number to the number of members of the governing board of the district. In so doing, the county committee shall provide for representation in accordance with population and geographic factors of the entire area of the district.

1123. The resolution of the augmented county committee approving the proposal and dividing the district into trustee areas pursuant to Section 1122, shall constitute an order of election, and the proposal shall be presented to the electors of the district at the next succeeding election for members of the

governing board. The ballot shall contain the following words, properly located thereon:

"For the establishment (or rearrangement, or abolition) of trustee areas in _____ School District—Yes" and "For
(insert name)
the establishment (or rearrangement, or abolition) of trustee areas in _____ School District—No."
(insert name)

1124. (a) If a proposal for the establishment of trustee areas formulated under Sections 1122 and 1123 is approved by a majority of the electors voting at the election, any affected incumbent board member shall serve out his term of office and succeeding board members shall be nominated and elected in accordance with Section 1128. In the event two or more trustee areas are established at such election which are not represented in the membership of the governing board of the school district, the county committee shall determine by lot the trustee area from which the nomination and election for the next vacancy on the governing board shall be made.

(b) If a proposal for rearrangement of boundaries is approved by a majority of the electors voting at the election, and if the boundary changes affect the board membership, any affected incumbent board member shall serve out his term of office and succeeding board members shall be nominated and elected in accordance with Section 1128.

(c) If a proposal for abolishing trustee areas is approved by a majority of the electors voting at the election, the incumbent board members shall serve out their terms of office and succeeding board members shall be nominated and elected at large from the district.

1124.3. The augmented county committee shall have power to establish trustee areas, rearrange the boundaries of any trustee areas and abolish trustee areas in any unified school district formed under the provisions of Chapter 10 (commencing with Section 3101) of Division 5 at any time the committee deems such action advisable. Any such proposal may also be made by a petition signed by at least five (5) qualified electors residing in the school district concerned. The petition shall be presented to the committee which shall hold at least one (1) public hearing thereon. The hearing shall be called and conducted in the manner prescribed for calling and conducting other public hearings of the county committee except that notice thereof shall be posted at some public place in each trustee area of the school district concerned, on a prominent place in each schoolhouse, and at the place of holding the hearing.

1124.4. The resolution of the augmented county committee approving the proposal and dividing the district into trustee areas pursuant to Section 1124 3, shall constitute an order of election and the proposal shall be presented to the electors of the district at the next succeeding election for members of

the governing board. The provisions of Sections 1123 and 1124 shall be applicable to the proceedings.

1124.5. The county committee on school district organization, upon petition of the governing board of any junior college district, may provide for trustee areas in junior college districts or the rearrangement of trustee areas in the same manner as trustee areas may be provided for in unified districts under Sections 1124.3 and 1124.4. The governing board of a junior college district shall be composed of five or seven members elected for a four-year term when trustee areas are provided under this section.

1125. Any proposal of the county committee on school district organization, for the establishment of a countywide unified school district pursuant to Section 3252 of this code, shall contain a provision for division of the county into trustee areas of an odd number not to exceed 15.

1126. Whenever the boundaries of a county high school district are coterminous with the boundaries of a county, the board shall consist of one member from each supervisorial district in the county elected at large from the district.

1127. In every junior college district which was divided into five wards on or before September 7, 1955, one member of the board shall be elected from each ward by the registered voters of the ward. On or before January 1st of a fiscal year the governing board of the district may rearrange the boundaries of the wards to provide for representation in accordance with population and geographic factors or may abolish the wards.

1128. Except as provided in Sections 1126 and 1127, when trustee areas are established in a district, a member of the governing board of the district shall be elected from among the registered voters of each trustee area, but each member shall be elected by the registered voters of the entire school district.

1128.1. Whenever a school district is divided for governing board membership purposes into wards, supervisorial districts, or trustee areas, the county superintendent of schools shall prepare and keep in his office a map showing the boundaries of such subdivisions of all school districts under his jurisdiction.

He shall also prepare and keep in his office a record of all actions taken by the county committee on school district organization in connection with trustee area boundaries.

1129. The forms for declaration of candidacy, nomination of candidate by sponsors, and notice to declare candidacy for governing board election prescribed in this article are as provided in this section.

(a) The declaration of candidacy shall be in substantially the following form:

"I, _____, do hereby declare myself as a candidate for election to the governing board of _____ district, of the County of _____; I am a registered voter; if elected I will

qualify and serve to the best of my ability; and I request my name be placed on the official ballots of the district, for the election to be held on the ____ day of _____, 19____.

_____

Residence address:_____"

In an election held under Section 1120 to elect additional governing board members all candidates for member of the governing board shall also indicate on their declaration of candidacy whether they are candidates for the existing office or for the new offices.

(b) The declaration of parents proposing a candidate for election to the governing board shall be in substantially the following form:

DECLARATION OF CANDIDACY BY SPONSORS

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

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

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

Name	Residence	Occupation
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

_____

Signature of proposed candidate"

In an election held under Section 1120 to elect additional governing board members, the declaration shall contain a statement whether the proposed candidate is a candidate for the existing office or for the new offices.

(c) Notices to declare candidacy for governing board elections shall be in substantially the following form:

"NOTICE TO DECLARE CANDIDACY FOR GOVERNING BOARD MEMBER ELECTION

"NOTICE IS HEREBY GIVEN TO ALL QUALIFIED PERSONS that an election will be held in the _____

School District, County of _____, State of California, on the ____ day of _____, 19____, for the purpose of electing ____ members to the governing board of the school district.

"Forms for declaring candidacy and for the nomination of candidates for the election are available from the office of the County Superintendent of Schools at _____ (giving address at which forms may be obtained), California.

"Declarations of candidacy and nominations by sponsors must be filed with the County Superintendent of Schools at the above address not later than the ____ day of _____, 19____."

1130. No member of the governing board of any district included wholly or partially included in a unified school district formed under the provisions of Chapter 10 (commencing with Section 3101) of Division 5 of this code shall be a member of the governing board of the unified school district unless elected thereto.

Article 3. Recall of Members

1131. Except in the case of a unified school district which includes a city or city and county, the charter of which provides for the recall of members of the governing board, any elected or appointed member of any elective school district governing board may be recalled pursuant to this article.

1132. A petition demanding the recall of any governing board member shall be filed for verification of signatures with the county superintendent of schools having jurisdiction over the district. If more than one governing board member is sought to be recalled, separate petitions shall be filed for each member sought to be recalled.

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

1133. No recall petition shall be circulated or filed for verification of signatures against any governing board member until he has held his office for at least six months.

1134. The recall petition shall not be circulated by any person other than a registered voter of the district.

1135. The recall petition shall contain a statement of not more than 200 words of the grounds on which the recall is sought, for the information of the voters. Any insufficiency of form or substance in this statement shall not affect the validity of the election and proceedings held thereunder.

1136. The recall petition shall be signed by registered voters equal in number to at least 20 percent of the registered voters of the district as of the time of filing the petition for verification of signatures.

1137. The signatures to the recall petition need not all be appended to one paper. If the district is situated in more than one county, each paper of the recall petition shall designate one of the counties and, of the signatures appended to such paper, only the signatures of the voters of the county designated shall be valid. Each signer shall add to his signature his place of residence, giving street and number. If no street or number exists, then a designation of the place of residence shall be given which will enable the location to be readily ascertained.

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

1138. Each separate paper of each recall petition shall have attached to it an affidavit. The affidavit shall state that the affiant is a registered voter of the district; that the affiant circulated that particular paper and saw each signer write his signature and residence thereon; and that according to the best information and belief of the affiant:

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

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

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

1139. No petition shall be valid for the purpose for which it was circulated unless it shall be filed for verification of signatures within six months after the date on which a copy of the text of the petition was filed.

1140. The signatures to the recall petition shall be verified as follows:

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

(b) If the school district is situated in more than one county, the county superintendent shall, immediately upon the filing of the petition for verification of signatures, send each separate paper constituting the recall petition to the county clerk of the county designated on each paper. Each county clerk shall examine the signatures and from the records of registration ascertain the number of signatures of registered voters in the portion of the district lying in his county. The county clerk shall attach to the papers his certificate showing the results of his examination and also showing the total number of registered voters in the portion of the district lying in his county. Within 10 days after each county clerk

receives the papers he shall return them to the county superintendent.

1141. If the number of signatures is not sufficient, a supplemental petition, in form a duplicate of the original petition, but bearing additional signatures, may be filed with the county superintendent of schools having jurisdiction within 10 days from the date on which the county superintendent received the last of the county clerks' certificates. In the manner provided in Section 1140, the county superintendent shall send the supplemental petition to the county clerks of the counties in which the district is situated, and the county clerks shall examine, certify, and return the supplemental petition to the county superintendent. If the signatures to the petition are still insufficient, no action shall be taken thereon. The petition shall remain on file as a public record, and the failure to secure sufficient signatures shall not prejudice the filing later of an entirely new petition to the same effect.

1142. If the county superintendent of schools finds the petition, together with supplementary petitions, if any, sufficient he shall at once call a special election to be held in the district within not less than 51 nor more than 56 days after the date of the call, to determine whether the voters will recall the governing board member. If a regular election for the election of members of the governing board of the district is to occur not less than 51 nor more than 56 days from the date of the call for the special election, the county superintendent may, in his discretion, order the holding of the special election at the time the regular election is held.

1143. The county superintendent of schools shall call the recall election by posting election notices in three public places in the district at least 35 days before the election, and by publishing a notice of the election in the district pursuant to Section 6063 of the Government Code. If there is no newspaper of general circulation published in the district, notice need not be published.

1144. Except as provided in this article, the recall election shall be held and conducted by the county superintendent of schools having jurisdiction in substantially the same manner as elections held under Article 2 of this chapter and under Chapter 6 of this division.

1145. The county superintendent of schools may consolidate recall elections of two or more governing board members.

1146. Any registered voter of the district, except the governing board member whose recall is sought, may become a candidate for election at a recall election in the manner provided Article 2 of this chapter. The nomination by sponsors or the declaration of candidacy, shall, in addition to the requirements of Article 2, state that the proposed candidate is a candidate in the recall election to succeed the incumbent (naming him) if he is recalled.

1147. If a vacancy occurs in the office of the member sought to be recalled after a recall petition is filed for verification of

signatures, the election shall nevertheless proceed as provided in this article.

1148. The county superintendent of schools having jurisdiction shall mail to each registered voter within the district a sample ballot on which there shall be printed in not more than 200 words the statement of the grounds on which the recall is sought set forth in the recall petition. Upon the same ballot there shall also be printed, in not more than 200 words, any statement submitted by the member sought to be recalled justifying his course in office.

1149. There shall be printed on the recall ballot, as to every member whose recall is sought, the following question: "Shall (name of person against whom the recall petition has been filed) be recalled from the office of (title of the office)?" following which question shall be the words "Yes" and "No" on separate lines, with a blank space at the right of each, in which the voter shall indicate, by stamping or writing a cross (+), his vote for or against the recall.

1150. On the recall ballots, under each question, there shall be printed the names of the candidates to succeed the incumbent if he is recalled. Following each list of candidates, the ballot shall provide one blank line with a blank square following, to allow the voter to write in a name not printed on the ballot. When the recall election is held on the third Tuesday in April of an odd-numbered year, the candidates for the office to succeed the incumbent if he is recalled shall be listed separately from the candidates to succeed governing board members whose recall is not sought.

1151. On the recall ballots there shall be printed the same statements which were printed on the sample ballots.

1152. No vote cast in the recall election shall be counted for any candidate for the office unless the voter also voted for or against the recall of the person sought to be recalled from that office.

1153. If a majority or exactly half of those voting on the question of the recall of any incumbent from office vote "No," the incumbent shall continue in office. If a majority vote "Yes," the incumbent shall be deemed recalled from office, upon the qualification of his successor.

1154. The inspector of the election shall deliver the returns to the county superintendent of schools having jurisdiction. At the time and place fixed in the notice of the election, the county superintendent shall publicly canvass the returns and declare the results. If a majority of the votes cast favor the recall of the member, the county superintendent shall declare the candidate who has received the highest number of votes for the office elected for the remainder of the term and shall issue a certificate of election to him. If the elected candidate fails to qualify within 10 days after receiving the certificate of election, the office shall become vacant and shall be filled as provided in Article 4 of this chapter.

Article 4. Vacancies

1161. Vacancies on school district governing boards are caused by any of the events specified in Section 1770 of the Government Code, or by a failure to elect. A vacancy resulting from resignation occurs when the written resignation is filed with the county superintendent of schools having jurisdiction over the district.

1162. When such a vacancy occurs prior to January 1st of an odd-numbered year, the remaining members of the board shall appoint an eligible person to hold the office until the following June 30th. If the remaining members of the board fail to fill the vacancy within 60 days, the county board of education having jurisdiction shall appoint a person to fill the vacancy and shall immediately thereafter transmit the name of the appointee to the county superintendent of schools having jurisdiction over the district. At the next regular election for governing board members, in addition to filling the offices of members whose terms are expiring, an election shall be held to fill the vacancy for the unexpired term.

When such a vacancy occurs between January 1st and June 30th, inclusive, of a school year, the remaining members of the board shall appoint an eligible person to hold the office for the unexpired term or until June 30th of the next succeeding odd-numbered year, whichever occurs first. If the remaining members of the board fail to fill the vacancy within 60 days, the county board of education having jurisdiction shall appoint a person to fill the vacancy. At the regular election for governing board members held in such succeeding odd-numbered year, in addition to filling the offices of members whose terms are expiring, an election shall be held to fill the vacancy for the remainder of the unexpired term.

1163. When vacancies exist in a majority of the positions on the governing board of any school district the county superintendent of schools having jurisdiction, with the approval of the county board of education, may call a special election within the district at which election the vacancies shall be filled. Those elected shall fill out the unexpired terms to which they were respectively elected. If called, the election shall be held and conducted by the county superintendent of schools in as nearly the same manner as is practicable as are elections of governing boards.

1164. If for any reason vacancies should occur in all of the offices on any school district governing board, the county superintendent of schools having jurisdiction shall have all the powers and perform all the duties of the governing board until one or more members are appointed and qualified.

1165. Whenever any of the offices on any school district governing board is vacant, the remaining governing board member or members, if any, and any governing board member or members appointed to fill the vacancies or elected, who have qualified, shall have all the powers and perform all the duties of the governing board.

Article 5. Corrupt Practices

1171. The offering of any valuable thing to any member of the governing board of any school district, with the intent to influence his action in regard to the granting of any teacher's certificate, the appointment of any teacher, superintendent, or other officer or employee, the adoption of any textbook, or the making of any contract to which the board of which he is a member is a party, or the acceptance by any member of the governing board of any valuable thing, with corrupt intent, is a misdemeanor.

1172. Any contract or appointment obtained from the governing board of any school district by corrupt means is void.

1173. Any person may be compelled to testify in any lawful investigation or judicial proceeding against any person who is charged with any offense described in Sections 1171 or 1172.

1174. No member of the governing board of any school district shall be interested in any contract made by the board of which he is a member.

1174.5. Except as provided in Section 1175, no contract or other transaction entered into by the governing board of any school district is either void or voidable under the provisions of Section 1174, nor shall any member of such board be disqualified or deemed guilty of misconduct in office under said provisions, if the circumstances specified in the following subdivisions exist:

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

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

1175. The provisions of Section 1174.5 shall not be applicable if the circumstances specified in any of the following subdivisions exist:

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

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

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

(d) A board member is interested in a contract or transaction within the meaning of Section 1174, and without first

disclosing such interest to the governing board at a public meeting of the board, influences or attempts to influence another member or members of the board to enter into the contract or transaction.

1175.5. The question of the validity or invalidity of a contract or other transaction entered into by the governing board of any school district where a member of the governing board of that district is interested in such contract or transaction, as well as the question of disqualification or misconduct in office of such interested member, shall be exclusively governed by the provisions of the Education Code which are hereby declared to and shall supersede (1) any and all provisions of law contained in any code or law of this State, except those which specifically refer to members of the governing board of school districts and which might otherwise be applicable and (2) any and all provisions of law contained in any charter or ordinance of a city, county or city and county, which might otherwise be applicable.

1176. A board member shall not be deemed to be interested in a contract within the meaning of Section 1174 of this code solely by reason of his membership in a nonprofit corporation formed under the Agricultural Code, or in a nonprofit corporation formed under the Corporations Code for the sole purpose of engaging in the merchandising of agricultural products providing that the fact of such membership is disclosed or known to the governing board and noted in the minutes, and the governing board thereafter authorizes, approves, or ratifies the contract in good faith by a vote sufficient for the purpose without counting the vote of such member.

1176.5. In a school district which during the preceding fiscal year had an average daily attendance of 70 or less, a member of the governing board may receive a reasonable compensation from the district for necessary work and labor performed by him for the district in repairing the schoolhouse, fences, and other property belonging to the district, or in furnishing wood or other necessary supplies. In all such cases the requisition drawn in his favor in payment of services or supplies shall be signed by the other members of the governing board and shall be subject to approval by the county superintendent of schools.

1177. Any contract made in violation of Sections 1174 or 1176.5 is void.

Article 6. Personal Liability of Governing Board Members

1181. No member of the governing board of any school district shall be held personally liable for accidents to children going to or returning from school, or on the playgrounds, or in connection with schoolwork.

No member of the governing board of any school district shall be held personally liable for the death of, or injury to, any pupil enrolled in any school of the district, resulting from

his participation in any classroom or other activity to which he has been lawfully assigned as a pupil in the school unless negligence on the part of the member of the governing board is the proximate cause of the injury or death.

CHAPTER 5. BOARDS OF EDUCATION

Article 1. Districts Governed by Boards of Education

1201. Any unified school district which is coterminous with or includes within its boundaries a chartered city or city and county shall be governed by the board of education provided for in the charter of the city or city and county. Sections 924, 1102, 1105, 1111, 1119, 1131, 1161, and 1162 shall not apply to such unified school districts, except as follows:

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

(b) If the charter of the city or city and county fails to provide for a board of education or for any or all of the matters specified in Sections 1223, 924, 1102, 1105, 1111, 1119, 1131, 1161, and 1162 shall apply as to the matter not provided for in the charter.

1202. A school district, a portion of which is embraced within the limits of any city governed by a charter proposed and adopted as provided by Section 8 of Article XI of the Constitution, may be subject to, controlled, and governed by the provisions of the charter relating to and providing for the management of public schools in the manner hereinafter in this article provided, upon approval of a majority of the electors of the districts voting at a regular biennial school district governing board member election.

The governing board of any such school district may, in the resolution specifying the order of any such regular governing board member election, require that the question of whether the district shall be governed by the provisions of the charter be submitted to the voters of the district.

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

If it appears from the returns that a majority of the votes cast on the proposition is in favor of the proposal, then the county superintendent of schools having jurisdiction shall certify the result to the board of education provided for in the charter of the city. From and after the date of the certificate the school district shall be governed by the provisions of the charter relating to the establishment, management, and control of the public schools, and all of the qualified electors residing in the district, whether residing within or without the boundaries of the city, shall be entitled to vote for members of the board of education at any election held for that purpose.

1202.5. If any school district or portion of any school district is embraced within the corporate limits of a city having a charter, and the electors of the school district have participated in and voted at any school election held subsequent to the adoption of and under the provisions of the charter, they shall be deemed to have submitted to be governed in all matters relating to the management of public schools within the school district or high school district as fully and to all intents and purposes as though the electors of the school district or high school district had by their votes elected to be governed by the provisions of the charter.

1203. If the charter of any city provides for or has within two years prior to January 1, 1955, provided for a board of education of five members of a unified school district, and said charter has been or is hereafter amended so that it fails to provide for a board of education, a new board of education composed of five members is created under this section immediately upon the effective date of such amendment; the positions thereto shall be filled by appointment of the county superintendent of schools. The terms of the members first so appointed shall expire the last day of June of an odd-numbered year next following the effective date of such charter amendment, and an election shall be held for the members of such board at the time fixed by law for the regular election of members of governing boards of school districts, and the members so elected shall assume office on the first day of July following. If the effective date of such charter amendment is such that a legal election for board members cannot be held as aforesaid prior to the first day of July of an odd-numbered year next following such charter amendment, then the county superintendent of schools shall again appoint the members of such board who shall assume office on the first day of July as aforesaid. The terms of the board members who take office on the first day of July as aforesaid and thereafter shall be as follows:

(a) If such members were elected, the three receiving the largest number of votes shall serve for four-year terms, and the remaining two members shall serve for two-year terms; and all subsequent members shall serve for four-year terms.

(b) If such members were appointed, the county superintendent of schools, upon making the appointments, shall designate three members to serve for four-year terms, and two members to serve for two-year terms.

Except as herein otherwise provided, the members of the board shall be elected at the last time fixed by law for the election of members of governing boards of school districts prior to the commencement of a new term of office. If a general municipal election is to be held within 60 days prior to the time when an election for board members would be held as aforesaid, the board of education may, by resolution filed with the governing body of such city at least 60 days prior to such municipal election, call the school district election to

coincide with the municipal election and request the governing body of such city to consolidate such elections in that portion of the school district which lies within such city, and the governing body of such city shall order such elections to be consolidated and to be held as are consolidated elections under the provisions of the Elections Code relating to consolidated elections, in which event the school district shall simultaneously with the holding of such consolidated election conduct an election in any portion of the district not included within such municipality. In the event of the holding of such consolidated election, the school district shall reimburse the city for its proportionate share of the costs of conducting such consolidated election in an amount to be agreed upon between the governing bodies of such school district and such city.

1204. The governing board of any elementary school district having an average daily attendance of 1,000 or more pupils and an assessed valuation of twenty million dollars ($20,000,000) or more may, and upon petition signed by 25 percent of the heads of families resident in the district, shall order an election to determine whether or not, it shall have the rights, powers, and duties of a city board of education and whether or not the district shall for all purposes be deemed to be a district governed by a city board of education.

If the governing board of the district consists of three members, there shall be elected at the election, to take office if the proposal for change in the rights, powers, and duties of the board is approved, two additional members to the board. If the change is approved by a majority of the qualified electors voting on the proposition at the election, the board shall have the rights, powers, and duties of a city board of education, and the district shall for all purposes be deemed to be a district governed by a city board of education. Also, if the change is so approved, the two additional board members shall take office, the one receiving the highest number of votes to serve until the first day of July following the second succeeding regular election at which board members are elected, and the one receiving the next highest number of votes to serve until the first of July following the next such regular election. Thereafter, the governing board of the district shall consist of five members elected in the manner prescribed for other school districts for terms of four years and until their successors are qualified, provided that vacancies shall be filled in the manner provided for unified school districts.

1205. Whenever a unified school district has within its boundaries a chartered city or a city of the first to the fifth classes, inclusive, or whenever the average daily attendance of a unified school district is 1,500 or more, for all purposes the district shall be deemed a city school district governed by a city board of education and the governing board thereof shall be deemed a city board of education.

1206. When outside territory has been annexed to a city for school purposes, the outside territory shall be deemed to

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

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

Article 2. Elections

1221. Boards of education are elected in cities under the provisions of the laws governing the respective cities, except as otherwise provided in this chapter.

1222. Whenever the charter of a city comprising in whole or in part an elementary school district, fails to provide for the manner in which, the times at which, and the terms for which the members of the board of education of such city are appointed, and for the number which shall constitute such board, the governing board of the elementary school district within which the city is located or with which the city is coterminous is the board of education of the city.

1223. Except as provided in Section 1222, whenever the charter of any city fails to provide for the manner in which, the times at which, or the terms for which the members of the city board of education shall be elected or appointed, for their qualifications, removal, or for the number which shall constitute such board, the provisions of this division shall apply to the matter not provided for.

1224. The members of any elective city board of education shall be elected at large from the territory within the boundaries of the school district or districts which are under the jurisdiction of the city board of education, whether sitting as a board of education, high school board, or junior college board, and any qualified elector of the territory shall be eligible to be a member of such city board of education.

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

1225. In any school district situated wholly or partly within a city containing a population of over 1,900,000 according to the 1950 federal census, the governing board shall be composed of seven members holding office numbers 1, 2, 3, 4, 5, 6, and 7, and shall be elected at large at the same time and in the same manner as the members of the city council of said city, and shall serve for a term of four years. The four members of such board whose terms of office expire July 1, 1947, shall be considered as holding office numbers 1, 3, 5, and 7

(such members within 15 days after the effective date of Chapter 725 of the Statutes of 1945 to determine by lot at a regular board meeting the number of the office each holds), and the remaining offices shall be known as office numbers 2, 4, and 6 (to be allocated by lot in the same manner as hereinbefore provided for office numbers 1, 3, 5, and 7). All such members' terms shall commence on the first day of July next succeeding their election.

1225.5. Notwithstanding the provisions of Section 1130, when a unified school district is formed pursuant to Chapter 9 (commencing with Section 3101) of Division 5 which includes a city school district having a city board of education as provided under Section 1225 of this code, the unified school district shall be governed by said city board of education and the governing board members thereof shall continue in office for the remainder of their terms as elected pursuant to the provisions of Section 1225.

1226. Elections of members of city boards of education, primary, general, or recall, may be consolidated with municipal elections, primary, general, or special, in accordance with the provisions of Chapter 4 of Part 2 of Division 12 of the Elections Code. In event of consolidation, the cost and expense of the election shall be apportioned between the city and districts, elementary, high school, or junior college, as provided in Section 1227.

1227. In those cases in which the boundaries of the school district, high school district, or junior college district, governed by a city board of education, are not coterminous with the boundaries of the city, and where elections, either primary, general, or recall, of members of the board of education are by the provisions of the laws governing the cities held at times other than on the day of municipal elections, general or special, the cost and expense of the district elections shall be a legal charge against the funds of the district or districts governed by the board of education. The city shall be reimbursed by the district or districts for its actual cost and expense incurred in the conduct of the election or elections. The cost and expense of conducting the election in territory common to two or more districts shall be borne by the districts in equal shares. In territory within a single district the cost shall be borne by the district.

In those cases in which the school district, high school district, or junior college district is governed by a city board of education, and elections, either primary, general, or recall, of members of the board of education are by the provisions of the laws governing the cities held on the same day as municipal elections, general or special, a proportionate part of the actual cost and expense of the election shall be a legal charge against the school districts governed by the board of education. The city shall be reimbursed for the proportionate cost and expense incurred in the conduct of the election. The cost and expense of the elections within the boundaries of the city shall be

apportioned between the city and the districts in the ratio that the total number of offices to be filled and propositions to be voted upon by the electors of the city and the school district or districts, respectively, bears to the total number of offices to be filled and propositions submitted. The cost and expense of the election in territory outside of the municipal boundaries shall be borne by the districts affected. As between the districts, costs and expense shall be apportioned as follows: In territory common to two or more districts the cost of conducting the election shall be borne in equal shares, and in territory within a single district the cost shall be borne by the district.

1228. An election for members of the governing board of a junior college district which has been divided into wards as provided in Section 1127 may be held, at the discretion of the governing board, on the same date and in the same manner as the city election for any chartered city located within the boundaries of the junior college district. Such election when held shall be conducted by the chartered city on behalf of the junior college district with the expenses of the election within the boundaries of the city apportioned between the city and the school districts in the manner prescribed by Section 1227.

Where a city charter does not specify a date for such elections, city boards of education may, by unanimous vote, determine that governing board member elections for that district shall be held on the date prescribed for the regular biennial school district governing board member elections, in which event the provisions of Chapter 6 of Division 4 of this code relating to the consolidation of governing board member elections shall apply.

1229. If a unified district governed by a board of education of five members includes a chartered city, the charter of which provides for a board of education, the members of which are to be elected pursuant to this code and to hold office for the terms provided by this code, and three members of such board of education were elected to hold office for a term expiring during the school year commencing on the date the district was formed for all purposes, the office of three members of the board of education shall be filled at the first election of governing board members following such date of formation for all purposes.

The term of office of such three members shall be determined by lot. The term of one member shall expire on June 30th of the next succeeding odd-numbered year following his election; and the terms of two members shall expire on June 30th of the second succeeding odd-numbered year following their election. The persons elected to succeed such three members shall hold office for four years.

In a unified school district formed pursuant to Chapter 10 (commencing with Section 3101) of Division 5 which includes a chartered city, the governing board of the district shall be the board of education of such city or city and county; provided, that all qualified electors residing within the unified

school district are eligible to vote at all elections held for the election of members of the city board of education and any elector residing in the district, or in a trustee area if the district is divided into trustee areas, is eligible to serve as a member of said board.

In the event a unified district includes a chartered city and the charter does not provide for a method of selecting the governing board of education of the city or the charter provides that this code shall apply, the governing board of the unified district shall be elected at large or by trustee areas, as designated by the unification proposal, and any elector residing in the district, or in a trustee area if the district is divided into trustee areas, is eligible to serve as a member of the board.

Article 3. Officers and Agents

1231. In any school district situated wholly or partly within a city containing a population of over 1,900,000 according to the 1950 federal census, each member of the city board of education shall receive as compensation for his services the sum of fifty dollars ($50) for each meeting of the board actually attended, not to exceed five hundred dollars ($500) per month. In any school district which is situated wholly or partly within a city containing a population of over 250,000 and less than 1,900,000 according to the 1950 federal census and which is not a city and county, each member of the city board of education may receive as compensation for his services the sum of twenty-five dollars ($25) for each meeting of the board actually attended, not to exceed one hundred dollars ($100) in any month. A member may be paid for any meeting when absent if the board by resolution duly adopted and spread upon its minutes finds that at the time of the meeting he is performing services outside the meeting for the school district or districts. The compensation shall be a charge against the funds of the school district. If the city board of education is the governing board of more than one school district the compensation shall be charged against and paid by the respective school districts in the same proportion as the salary of the city superintendent of schools is charged against them. Compensation shall be reduced by an amount equal to any salary or compensation paid to the members of the city board of education from any funds of the city.

1232. In any school district organized under the provisions of Section 1974 and which is also a high school district, and which districts are governed by a board of school trustees, and which districts have an average daily attendance in the elementary school district of at least 800, as shown by the last report of the principal of schools in the elementary school district, on file in the office of the county superintendent of schools, the trustees of the school district may appoint a clerk, who shall not be one of their own number, to act for the elementary district trustees and the high school district trustees

to hold office at the pleasure of the board of trustees. The board may fix the salary of the clerk at a sum not exceeding twenty-five dollars ($25) per month for the two districts, which shall be paid in the same manner and from the same funds as other incidental expenses of the districts are paid.

1233. In each city school district governed by a city board of education, the board may employ a city superintendent of schools and such associate superintendents of schools, and deputy or assistant city superintendents of schools as it deems necessary, and may fix and order paid their compensation, unless otherwise prescribed by law. A city superintendent of schools shall be elected for a term of four years. Any associate, deputy, or assistant city superintendent of schools may be elected for a term of four years.

1234. Each deputy, assistant, or associate school superintendent of any city or city and county may receive such compensation as the board of education prescribes, payable in the same manner and out of the same fund as the superintendent of schools.

1235. The superintendent of schools of a unified school district which is coterminous with the boundaries of a city and county shall have all the powers and duties set forth in this code for a superintendent of any school district of the class of school which is included within said unified school district; said superintendent shall have his compensation fixed and ordered paid by the board of education, anything in a city, county, or city and county charter to the contrary notwithstanding.

1236. The superintendent of schools of a unified school district which is coterminous with the boundaries of a city and county shall also perform the duties of the county superintendent and shall be entitled to have such associate superintendents and assistant superintendents of schools as appointed by the board of education, and when appointed, they shall be designated as associate superintendents and assistant superintendents.

Article 4. Powers and Duties

1241. The powers and duties of boards of education in cities are as prescribed in the laws governing the respective cities, except as otherwise provided by this code.

Article 5 Liability Insurance

1251. In districts situated within or partly within cities having a population of more than 500,000 any board of education may provide, from its own funds, for the purpose of covering the liability of the district, its officers, agents, and employees, in lieu of carrying insurance in insurance companies as provided in Section 1017. Nothing contained herein shall be construed as prohibiting the board of education of the district from providing protection against such liability partly

by means of its own funds and partly by means of insurance written by insurance companies as provided in Section 1017.

CHAPTER 6. CONDUCT OF ELECTIONS

Article 1. General Provisions

1301. School district elections shall be governed by the Elections Code, except as otherwise provided in this code.

1302. The provisions of this chapter shall apply to all school district elections, except as otherwise provided by law, or as otherwise provided in the charter of any city or city and county in the matters concerning which the provisions of such charters are afforded controlling force and effect by the Constitution or laws of the State.

1303. The duties of the county superintendent of schools having jurisdiction of a school district election shall be:

(a) To call elections when ordered under the provisions of this code.

(b) To supervise and co-ordinate school district elections ordered, called and conducted within his jurisdiction.

(c) To consolidate school district elections.

(d) To canvass election returns in elections ordered, called and conducted within his jurisdiction.

(e) To certify the results including tie votes of elections ordered, called, and held within his jurisdiction.

(f) To perform the duties of the governing board of any district or districts failing upon timely request to carry out the responsibilities of office set forth in paragraphs (b) through (f) of Section 1307 of this code.

(g) To prepare recommendations, statements, or arguments for any election in which they are required, as provided in this code.

(h) To receive petitions as authorized by this code.

1304. Whenever by this code the county superintendent of schools is authorized or required to prepare for, hold, or conduct an election in or for a public school district, such county superintendent may contract with the county clerk, or with the registrar of voters if such office has been established in the county, for the performance under the supervision of such county superintendent of any or all of the duties incident to the preparation for, and holding of, such election.

In joint districts or in elections to organize or reorganize districts in territory situated in two or more counties, the county superintendent of schools having jurisdiction may contract with the superintendent of schools, the county clerk, or the registrar of voters in any county in which part of the territory is situated, for the performance of such duties.

1305. The duties of the county clerk, or registrar of voters if such office has been established in the county, in school district elections held in the county in which such officer has jurisdiction, shall be:

(a) To prepare and provide the index of registration.

(b) To mail card notices of election.

(c) To mail sample ballots, arguments, statements, and recommendations when such are required by law, or when requested by the officer or body ordering the election.

(d) Duties contracted for with the county superintendent of schools pursuant to Section 1304, or contracted for with the governing board of a school district pursuant to Section 1313.

1307. The duties of the governing board of any school district with respect to school district elections shall be:

(a) To order elections as authorized by this code.

(b) To designate special school district election precincts.

(c) To designate polling places.

(d) To designate polling hours.

(e) To appoint election precinct officers.

(f) To provide election equipment, materials, and supplies as set forth in this chapter.

(g) To deliver election returns to the county superintendent of schools having jurisdiction of the election.

(h) To resolve tie votes in governing board member elections.

1308. All school district elections shall be held on a Tuesday.

1309. In any school district election, except as provided in Section 1310 of this code, the polls shall open not later than 7 o'clock a.m. and shall not close earlier than 7 o'clock p.m. Except as provided in Section 1310, the polls may open as early as 6 o'clock a.m. and remain open as late as 8 o'clock p.m., if the governing board of the district so determines.

1310. The governing board of a district having 500 or less average daily attendance during the preceding fiscal year may, except where the precincts of the district are being used for a high school district or junior college district election, designate polling hours less than 12 hours, but in no case less than six hours. When less than 12 hours are specified the polls shall not be opened before 9 o'clock a.m. nor kept open after 8 o'clock p.m.

1311. The governing board of any school district may subdivide the district into precincts for the holding of elections, and may change and alter the precincts from time to time. The board shall number the precincts consecutively and each precinct shall for the purpose of any school district election be known by the number designated. If the governing board does not subdivide the district into precincts, the entire district shall constitute one precinct.

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

In any consolidated school election or in any election held in a union or joint union high school district, or junior college district, each elementary school district and each unified school district, shall have at least one precinct, and no precinct shall be divided between any two or more such districts.

If the governing board or boards concerned fail to designate the precincts in the specification of the election order, or, in the case of a consolidated election, fail to notify the county superintendent of schools of their decision as to precincts within 60 days preceding the election, the county superintendent of schools having jurisdiction may subdivide the district or area into precincts and number them consecutively.

1312. The governing board of the district shall designate one polling place in each precinct, which shall be a public school building if there is one in the precinct.

When a consolidated election is required to be held in any district or area, the governing boards of the districts concerned shall agree upon the polling places and shall inform the county superintendent of schools of their decision.

If the governing board concerned fails to designate the polling places in the specification of the election order, or if, in a consolidated election, the boards concerned fail to notify the county superintendent of schools of their decision as to polling places within 60 days preceding the election, the county superintendent of schools having jurisdiction shall designate them.

1313. Whenever by this code the governing board of any school district is authorized or required to prepare for, hold or conduct any election in any school district governed by it, such governing board may contract with the county clerk, or with the registrar of voters if such office has been established in the county, for the performance of any or all of the duties incident to the preparation for and holding of such election.

Article 2. Order and Call of Elections

1321. The act authorized by this code of any officer, board, county committee, group of electors, or any other persons or agencies which commences an election proceeding, and any mandatory provision of this code requiring that an election be held, is an "order of election."

1322. Whenever a valid and verified petition, authorized by this code and requesting that a school election be held in any school district or in territory contained in one or more school districts, is received by the officer or board designated by law to receive the petition, such petition shall be deemed an order for calling such election unless the officer or board is by law authorized to take some action upon the petition other than ordering the election requested in the petition. If an election is ordered, the county superintendent having jurisdiction shall prepare a resolution setting forth the specifications required in Section 1323 as preliminary procedure to the call of such election.

1323 Whenever an election is ordered, the governing board of the district or the board or officer authorized by this code to make such designations shall, concurrently with or after the order of election but not less than 75 days prior to the date set for the election, by resolution delivered to the county superintendent of schools specify the following, or such of the following as he or it may have authority to designate.

(a) The date of the election.

(b) The purpose of the election.

(c) The election precincts.

(d) The polling places.

(e) The polling hours.

The resolution or resolutions shall be known as "specifications of the election order" and shall set forth the authority for ordering the election, the authority for the specification of the election order and the signature of the officer or the clerk of the board by law authorized to make the designations therein contained.

1324. The county superintendent having jurisdiction shall at least 120 days prior to the date of a governing board member election consolidated pursuant to Section 1331 of this code, notify the governing boards concerned of the order of consolidation of governing board elections under his jurisdiction. Such notice of consolidation shall be given in writing.

1325. At least 60 days prior to the date specified for the holding of any school election, the county superintendent of schools shall deliver to the county clerk or registrar of voters, if such office has been established in the county where the election is to be held, copies of:

(a) The order of election.

(b) If the election is to be consolidated, the order of consolidation.

(c) The official notice of election.

1326. Any school district election ordered to be held in accordance with the provisions of this code shall be called by the county superintendent of schools having jurisdiction of the election by causing the:

(a) Posting of notices of elections.

(b) Publication of notices of elections.

(c) Delivery of a copy of the official notice of election to the county clerk or registrar of voters at least 60 days prior to the date of the election.

Article 3. Consolidation of Elections

1331. School district governing board member elections for two or more school districts of any type to be held in the same district or area on the same day shall be consolidated so that a person entitled to vote in both or all of such elections may do so at the same time and place and using the same ballot.

When a consolidated election is required by this section to be held, the basic unit for conducting the election shall be the

elementary district, and the county superintendent of schools having jurisdiction over the elementary districts affected shall order the consolidation of governing board elections at least 120 days prior to the date of the election, by notifying in writing the governing boards concerned that a consolidated election is required to be held.

1332. When a consolidated school district governing board member election is required to be held there shall be as many separate lists of candidates as there are school districts for which governing board members are to be elected. Each list of candidates shall be headed by the name of the school district for which the persons listed are governing board member candidates. The name of each school district shall be printed in capital letters, and shall be separated from the list of candidates beneath it by a line. The names of the school districts with the list of candidates for governing board member of each district following each name shall be arranged in the following order, as the case may require:

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

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

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

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

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

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

(b) In an election held under Section 1120 to elect additional governing board members, the candidates for the new offices shall be listed separately from the candidates for the existing office and shall be voted for separately;

(c) When an election to recall a governing board member is held on the third Tuesday in April, the candidates for the office to succeed the incumbent if he is recalled shall be listed

separately from the candidates to succeed governing board members whose recall is not sought.

1333. Whenever any school district election is scheduled to be held on the same day, in the same territory, or in territory that is in part the same, as an election or elections called to be held by any other district, city, county or other political subdivision, the school district election may be either completely or partially consolidated with such election or elections pursuant to the provisions of Chapter 4 of Part 2 of Division 12 of the Elections Code.

Such consolidation shall be effected by the county superintendent of schools having jurisdiction of the school district upon receipt of both of the following:

(a) Written request for such consolidation by the governing board of the school district in which the election is to be held

(b) Written approval of consent by the governing body of the other political subdivision or subdivisions holding an election or elections.

1334. If any school district election is completely or partially consolidated with any other election, the notice of election need not set forth the precincts, place or places of holding the election, or the names of the officers appointed to conduct the election, but may instead state that the precincts, place or places of holding the elections and officers appointed to conduct the election shall be the same as those provided for such other election within the territory affected by the consolidation and set forth in the ordinance, order, resolution, or notice calling, providing for or giving notice of such other election, and reference shall be made to such ordinance, order, resolution, or notice by number and title or date of adoption, or by date or proposed date of publication and the name of the newspaper in which publication has been or will be made, or by any other definite description, except that no such reference need be made if the election is completely or partially consolidated with a statewide election.

1335. Within the territory affected by the order of consolidation the election precincts, polling places, voting booths and polling hours shall, in every case, be the same and there shall be only one set of election officers in each of the precincts. When the returns of elections consolidated pursuant to Chapter 4 of Part 2 of Division 12 of the Elections Code are required to be canvassed by different canvassing boards, the elections shall be conducted separately in the same manner as if they had not been consolidated, except as provided in this section.

1336. In the event of consolidation of any school district election with any other election the provisions of law governing such other election with respect to the manner of marking ballots shall also apply to the school district election consolidated therewith.

1337. Except as otherwise provided by Chapter 4 of Part 2 of Division 12 of the Elections Code, the county superin-

tendent of schools having jurisdiction shall canvass the returns of any school district election consolidated with any other election pursuant to Section 1333 of this code.

1338. Except as otherwise provided by Chapter 4 of Part 2 of Division 12 of the Elections Code, in any school election consolidated with any other election as provided in Sections 1333 to 1338, inclusive, of this code, the county superintendent of schools having jurisdiction shall certify the results of the school election as provided in Article 9 of this chapter.

Article 4. Election Notice

1341. As used in this chapter "formal notice" means the notice of election which is required to be published and posted in public places, and "card notice" means the notice of election which is required to be mailed to the registered voters of the area in which the election is to be held.

1342. The formal notice of election for any school district election shall be prepared by the county superintendent of schools and shall contain the following:

(a) The date of the election.

(b) The purpose of the election.

(c) The designation of election precincts.

(d) The location of the polls.

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

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

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

(h) Instructions for obtaining absent voter ballots.

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

1343. As an alternative to publication by newspaper pursuant to Section 1344, publication of formal notice may be effected pursuant to this section. Not later than 20 days prior to the date of any school district election the county superintendent of schools having jurisdiction shall cause to be posted the formal notice of the election in public view at:

(a) Every schoolhouse in the territory, district or districts in which the election is to be held.

(b) At three public places in the territory, district or districts.

(c) At each polling place designated for the election if any such polling place be other than a public school.

1344. Except where the procedure prescribed by Section 1343 is utilized, and except as otherwise provided for consolidated elections, the county superintendent of schools having jurisdiction over any school district election shall cause formal notice of such election to be published in a newspaper of general circulation published within the district. If there is no newspaper of general circulation published in the district, notice need not be published.

Publication of notice pursuant to this section shall be once each week for three successive weeks. Three publications in a newspaper regularly published once a week or oftener, with at least five days intervening between the respective publication dates not counting such publication dates, are sufficient.

The first publication shall be made not more than 60 days, and the last publication shall be made not less than seven days, prior to the date set for the election.

Proof of such publication may be by affidavit.

1345. In the case of any school district election called or conducted under the provisions of this code, except as hereafter provided in this section, the county clerk, or the registrar of voters if such office has been established, of the county in which the majority of the territory of the district is located, shall, at least 30 days before the day fixed for the election, mail to each registered voter residing within the district, a card designating the polling place and time of the election and containing a statement of the purposes of the election.

In any district or territory located wholly or partially in a county with a population of less than 60,000 as determined by Section 28020 of the Government Code, the governing board of the school district, rather than the county clerk or registrar of voters, shall mail the card notice required in this section.

Article 5. Precinct Election Officers

1351. The governing board of the school district in which the election is to be held shall appoint the precinct election officers after checking the eligibility of such election officers with the clerk or registrar of voters.

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

If any governing board fails to appoint some or all of the election officers, or if, in the case of a consolidated election the governing boards of the districts concerned fail to agree upon the election officers, by the 60th day preceding the election, the county superintendent of schools having jurisdiction shall appoint them.

1353. The precinct election officers for any school district election shall be an inspector and two judges. In addition, the officer or board appointing the precinct election officers may appoint not more than two additional judges of election for any precinct.

1354. In the event some or all of the election precinct officers are not present at the time for the opening of the polls, the registered voters present may appoint substitutes for them. The substitutes, together with any inspector or judge appointed

for the election who is present, shall proceed to conduct the election.

1356. Any inspector and judge of election serving at any school district election may be paid out of the funds of the district as compensation for his services as an election officer such sum as the governing board may determine, not to exceed the amount paid from the county treasury to officers of the last preceding general election. In districts in which the polls are not kept open for the same number of hours as at the last general election, the maximum compensation for election officers shall be the sum bearing the same relation to the amount paid to election officers of the last preceding general election as the number of hours the polls were open at the election bears to the number of hours the polls were open in the preceding general election.

Article 6. Voters

1361. As used in this chapter "voter" means registered voter. In any school district election, any resident of the district, who is a voter of the county and who is registered in a general election precinct wholly or partially within the school district at least 54 days before the election, may vote at the election.

1362. A voter shall cast his ballot only in the school district precinct in which his place of residence is located.

1363. Any voter desiring to vote at the election shall write his name and address, or if he is unable to write, shall have his name and address written for him, on a roster of voters provided for that purpose. He shall announce his name and address to one of the election officers, who shall in an audible tone of voice repeat the name and address. If another election officer finds the name on the printed index, and it has not been canceled, he shall in like manner repeat the name and address and deliver to the voter a ballot which he shall be allowed to vote.

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

1364. In casting his vote the voter shall stamp or place a cross (+) in the square space immediately following the name of the candidate or candidates of his choice, or his choice of "Yes" or "No" to any proposition printed thereon. If the voter desires to vote for a person whose name does not appear on the ballot, he shall himself write the name of the person in the space provided for that purpose on the ballot. When the voter writes the name of a person on the ballot he may, but need not, place a cross (+) after the name. After properly marking his ballot the voter shall hand it to the inspector who

shall, in the presence of the voter, deposit the ballot in the ballot box.

1365. Any person offering to vote may be challenged at any time before his ballot has been deposited in the ballot box, by any person entitled to vote in the election. The judges of the election shall thereupon administer to the person challenged an oath, in substance as follows: "You do swear (or affirm) that you are a citizen of the United States, that you are 21 years of age, that you have resided in this State one year, in this county 90 days, and in this school district 54 days preceding this election, that you reside in this school district precinct, and that your name is on the great register of this county, and was on the great register of a general election precinct wholly or partially within this school district at least 54 days before this election, and that you have not before voted this day." If he takes the oath prescribed in this section, his vote shall be received, otherwise his vote shall be rejected, and if he has already marked his ballot, it shall be cancelled.

1366. No electioneering shall be carried on within any building in which the polls are located or within 100 feet of any entrance to the building.

Article 7. Election Procedure

1381. In any school district election, the officer or board designating the polling places for the election shall furnish, or cause to be furnished, a sufficient number of places, booths, or compartments at or in which voters may conveniently mark their ballots so that they are screened from the observation of others.

1382. The county superintendent of schools having jurisdiction, at the time that any school district election is ordered, shall in writing, not less than 40 days before the election, officially request the county clerk or registrar of voters of each county or city and county within which the school district is wholly or partially situated to furnish copies not exceeding four, of the index of the registration book, as of the fifty-fourth day preceding the election, for each precinct in the county or city and county contained in whole or in part in the school district.

Upon receipt of the request, the county clerk or registrar of voters shall forward to the county superintendent of schools having jurisdiction the number of copies of the index requested. Copies of the index shall be supplied from any available copies in the custody of the county clerk or registrar of voters. If no copies are available, copies of the index of the registration book or any supplements thereto, shall be prepared by the county clerk or registrar of voters. If a consolidated election is to be held copies need be furnished to the governing board of only one of the districts concerned, which board shall be designated by the county superintendent of schools.

1383. The county superintendent of schools having jurisdiction shall furnish for any school district election, an official roster of voters. The heading of the roster of voters shall read: "Official roster of voters of _____ precinct of _____ school district (or districts, giving the names of all districts for which elections are being held) for the school election held on the _____ day of _____, 19___." Under this heading shall be arranged two columns. The first column shall have printed as its heading: "Write your name as it appears on the great register." The second column shall have printed as its heading: "Write your residence, street and number." Any person offering to vote at the school election shall write his name in the first column of the roster of voters, and his residence in the second column.

1384. The county superintendent of schools having jurisdiction shall furnish sufficient tally lists for each precinct in any school district election. The tally list shall have printed as its heading: "An official tally list precinct of _____ of _____ school district (or districts, giving names of all districts for which elections are being held) for the school election held on the _____ day of _____, 19___." It shall be arranged in lines so as to give room for at least five candidates for each governing board position for each district participating in the election or room for the propositions or measures to be voted upon in the election The name of the district shall be clearly indicated above the candidates for governing board of that district or the measures or propositions pertaining to that district. It shall be vertically ruled, providing for counting the votes under a tally system. The final column shall have as its heading: "Total votes cast for each candidate, or measure or proposition " At the bottom of the page shall be provided a space for the signatures of the election officers and over these signatures shall be printed the words: "We hereby certify that this is a correct report of the election held in precinct of _____ of _____ school district (or districts, giving names of all districts for which elections are being held) on _____ of _____, 19___."

1385. The county superintendent of schools having jurisdiction shall provide each precinct election board of officers with sufficient envelopes for secured delivery of election returns as provided hereafter:

(a) An envelope for voted ballots, not to be opened after having been sealed, except as authorized by Section 18410 of the Elections Code.

(b) An envelope for spoiled, canceled, and defaced unused ballots.

(c) An envelope for the tally sheet, roster of voters, and index of registration used as the voting record Also, if such are part of the official record of the election, the challenge list, assisted voter's list, and affidavits of election officers assisting voters.

The envelopes shall have printed thereon a space for the name and address of the county superintendent to whom the election returns shall be delivered, and in addition, shall have printed thereon in the lower lefthand corner the words: "Returns of election held in _____ precinct of _____ School District (or Districts, giving name of districts for which elections are being held), _____ County, on the _____ day of _____ 19___."

1386. The county superintendent of schools having jurisdiction shall furnish a uniform ballot for elementary school district governing board member elections and no other form of ballot shall be used, except as provided in this section.

When a consolidated election is held in any district or area the county superintendent of schools having jurisdiction shall furnish a uniform ballot to be used within that district or area.

1387. Subject to the provisions of Sections 1115 and 1332 of this code, the ballot used in any school district governing board election shall be subject to the following requirements:

(a) It shall be printed upon paper of number 4 sulphite bond quality, tinted or colored, and of sub 20 weight, or paper of the same or like quality and weight.

(b) The binding or stitching of each package of ballots shall be on the left side thereof. The ballot shall be printed on the same leaf with a stub not over 1½ inches in width and separated therefrom by a perforated line from top to bottom, one-half inch to the left of the broad printed line along the left border of the ballot. Upon this stub shall be printed the number of the ballot only.

(c) On each ballot a perforated line shall extend across the top of the ballot not less than one inch from the top thereof. The same number as appears on the stub shall be printed above said perforated line within two inches of the perforated line on the left-hand side of the ballot, and above this number shall be printed in parentheses, in small type, as follows: (This number shall be torn off by inspector and handed to the voter). One-half inch to the right of this ballot number there shall be a short perforated line extended from the perforated line along the top of the ballot to the top edge of the ballot.

(d) The number on each ballot shall be the same as that on the corresponding stub and the ballots and stubs shall be numbered consecutively within each district. All ballots used in school district governing board member elections shall have printed immediately below the perforated line along the top of the ballot, and above any instructions to voters, in capital type at least 12 point in size the words "Ballot for School District Governing Board Member Election," followed by the name of the district.

(e) Immediately under the name of each candidate and not separated therefrom by any line may appear at the option of the candidate, one of the following designations:

(1) If the candidate be a candidate for the same office which he then holds and only in that event, the word "incumbent."

(2) Words designating the profession, vocation or occupation of the candidate which shall not exceed three in number. The profession, vocation or occupation so designated shall be the same as appears in the affidavit of registration of the candidate. Notwithstanding any other provision of law, if upon checking the nomination paper the officer in charge of the election finds the wording to be different than that upon the registration affidavit, he shall notify the candidate by registered mail, return receipt requested. The candidate shall within three days from the date of receipt of the notice appear before the officer and reregister to conform with the request for the designation that appears on his nomination paper. If the candidate does not appear within three days the officer shall leave the designation under his name blank (no designation).

No candidate shall assume a designation which would mislead the voters.

Article 8. Absent Voting

1401. The county superintendent of schools having jurisdiction of the district or districts in which an election is to be held shall issue or cause to be issued absent voter ballots in accordance with provisions of Chapter 4, Division 9, of the Elections Code.

1402. All absentee ballots cast under the provisions of this article shall, in order that they may be counted, be received by the county superintendent or designated deputy from whom they were received no less than three days before the date of the election in which they are to be counted.

Article 9. Canvass and Report of Election Results

1411. In any school district election, the election officials shall publicly canvass the votes immediately after closing the polls, fill out the tally sheet, certify to the correctness of the canvass made, and post conspicuously on the outside of the polling place a copy of the result of the votes cast at the polling place.

1412. The precinct election officers shall fill in the information required in the blanks on the envelopes provided for delivery of precinct election returns. After signing all necessary forms, lists and tally sheets, the returns shall be placed in the proper envelope and sealed. After sealing the envelopes the election officer shall sign his name on the line provided for that purpose across the flap of each envelope. The inspector

shall take possession of the envelope containing the election returns.

1413. The inspector having charge of the precinct election returns shall deliver or cause the delivery of the returns to the officer or board responsible for appointing precinct election officers not later than Friday of the week in which the election was held. In the event the returns are delivered to the governing board of the district in which the election was held, the governing board shall deliver the returns to the county superintendent designated to canvass the election returns within six days following the date of the election.

1414. The county superintendent of schools having jurisdiction of the district or districts in which the election was held shall publicly canvass the election returns on the seventh day following the election at the time and place fixed in the notice of the election as provided in this section.

He shall open the envelope containing the tally sheet, roster of voters, and index of registration used as the voting record in each election precinct. He shall verify the accuracy of the precinct returns by comparing the total votes shown on the tally list of each precinct with the total number of ballots cast in the precinct as shown on the roster of voters.

If the returns from any precinct are incomplete, or ambiguous, or not properly authenticated, or are otherwise defective, the county superintendent may require the attendance before him of the members of the precinct election board for the purpose of correcting or completing the returns so that they shall show correctly the votes cast in the precinct for each candidate, and for or against each measure voted upon.

The envelopes containing the voted ballots shall not be opened except as permitted by Section 18410 or Article 4 of Chapter 8 of Division 10 of the Elections Code.

After verifying the accuracy of the precinct returns the county superintendent shall determine the total votes for all precincts in the district or districts for each person voted for, and for or against each measure voted upon at the election.

1415. Immediately following the canvass of precinct returns the county superintendent conducting the canvass of returns shall proceed to canvass the absent voter ballots cast for the election. The canvass of absent votes shall be made in accordance with the provisions of Article 2, Chapter 7, Division 10 of the Elections Code. The count of the absentee votes for each person voted for, or for and against each measure or proposition voted upon shall be tabulated under the heading "Absentee Votes" and added to and included with the canvass of returns from the combined precincts in each district

1416. Upon completion of the canvass of returns and absent voter ballots the county superintendent of schools having jurisdiction shall prepare a certificate of election results which shall contain a statement showing:

(a) The total number of ballots cast in the district.

(b) The name of the persons voted for; and

(c) The office each person was voted for; or

(d) The proposition(s) or measure(s) voted upon.

(e) The number of votes given at each precinct to each person or for and against each proposition or measure.

(f) The total number of votes given in the district to each person or for and against each proposition or measure.

Copies of the certificate of results shall be issued to the governing board of the district or districts in which the election was held, to the county clerk, and to such other officers as by law required. A copy of the certificate of election results shall be kept on permanent file in the office of the county superintendent canvassing the election returns.

1417. In the case of any election in a joint or joint union district the county superintendent of schools having jurisdiction over the joint or joint union district and under whom the election was conducted shall certify the results of such election to the county superintendent of any other county, territory of which is contained in the joint or joint union district in which the election was held.

Article 10. Cost of Elections

1421. The cost of any school district election may include, but need not be limited to:

(a) Compensation of precinct election officers.

(b) Publication of notices.

(c) The cost of printing official ballots, sample ballots, indexes, arguments, statements, official notices, and card notices.

(d) Mailing charges for card notices, arguments, recommendations, statements, and sample ballots.

(e) Forms for rosters, tally sheets, certificates, envelopes, declaration of results forms, and legal forms required for bond elections.

(f) Precinct maps.

(g) Costs incurred under contract with the county clerk or registrar of voters under the provisions of Section 1304.

(h) The actual cost of supplies such as flags, ballot boxes, chairs and tables, booths, ink pads and stamps, and pencils; provided, that if any such can be borrowed from any state or county office, no charge for rental shall be included in the cost of elections.

1422. The cost of any election held within a single district shall be borne by the entire district, and shall be paid out of its funds.

1423. The cost of elections, including consolidated elections, held in territory common to two or more districts shall be borne by the districts concerned in equal shares and paid from district funds.

1424. The cost of consolidated governing board elections shall be paid by the county superintendent of schools having jurisdiction from the county school service fund, and the

cost shall be prorated among the school districts concerned to reimburse the fund.

1425. The cost of any recall election shall be borne by the district in which the recall election is held and paid from district funds.

1426. The cost of the election for the formation of a junior college district shall be paid from the county general fund.

1427. The cost of any election held under the provisions of Article 6 (commencing with Section 3291), of Chapter 10, Division 5 shall be paid from the county general fund.

Article 11. Miscellaneous Provisions

1441. The provisions of Division 11 (commencing at Section 20000) of the Elections Code, relating to election contests shall apply to school district elections.

1442. The returns of any school district election received by the county superintendent of schools having jurisdiction shall, after the date of the declaration and certification of the final results of the election, be disposed of as follows:

(a) The sealed envelope containing the voted ballots, including ballots rejected for improper markings, shall be kept by the county superintendent unopened and unaltered for six months. If a contest or criminal prosecution is not commenced within the six months' period as provided in Division 11 of the Elections Code, he shall destroy the envelope, or have it destroyed, without its being opened or its contents examined. This paragraph also applies to absent ballots and identification envelopes.

(b) The envelope containing spoiled, canceled, and defaced unused ballots shall remain unopened in the custody of the county superintendent and shall be held and disposed of as is the envelope provided for in paragraph (a) of this section.

(c) The envelope containing the tally sheet, challenge sheet, challenge list, assisted voter list, and affidavits of election officers assisting voters, shall be disposed of in the same manner, but the contents of this envelope may be made available to voters for inspection at any time following commencement of the official canvass of votes.

SEC. 3. Division 5 (commencing with Section 1601) of said code is repealed

SEC. 4. Division 5 (commencing with Section 1601) is added to said code, to read:

DIVISION 5. ORGANIZATION AND REORGANIZATION OF SCHOOL DISTRICTS

CHAPTER 1. GENERAL PROVISIONS

Article 1. Definitions

1601. Unless the context otherwise requires, the definitions set forth in this article govern the construction of this division.

1602. "An action to organize or reorganize districts" means an action to form, dissolve, or lapse a school district, to annex all or part of the territory of a district to another district, to transfer all or part of a district to another district, or the unification of school districts, or any combination or all of such actions. It also includes a reorganization proceeding under Chapter 10 (commencing with Section 3101) of this division.

1603. For the purposes of any reference in this division to "districts of the same kind," all elementary districts are districts of the same kind, all high school districts are districts of the same kind, all junior college districts are districts of the same kind, and all unified districts are districts of the same kind.

1604. "Component district" means either of the following:

(a) An elementary district which is included within a high school district.

(b) A high school or unified school district which is included within a junior college district.

1605. "Former district" means a district which has been wholly included in another district. The boundaries of a former district are those of the district as it existed immediately prior to being wholly included in another district.

1606. "County committee" means the county committee on school district organization provided for in Section 3161.

Article 2. General Procedural Provisions—Petitions, Elections, and Orders

1641. In any petition in an action to organize or reorganize districts there may be designated not to exceed three of the petitioners as chief petitioners for the purpose of receiving notice of any public hearings to be held on the petition.

1642. The persons securing the signatures to a petition of electors in an action to organize or reorganize districts shall attach thereto an affidavit that all persons who signed the petition did so in the presence of the affiant and that each signature is a genuine signature of the person whose name it purports to be.

1643. Except as otherwise provided in this division, when an election is required in an action to organize or reorganize districts, the election shall be called, held, and conducted by the county superintendent of schools in the manner prescribed in Division 4 of this code.

1644. Except as provided in Section 1823, elections for the assumption by one district or by part of a district of all or part of the bonded indebtedness of another district, after the completion of an action to organize or reorganize districts, shall be ordered by the governing board of the district all or part of which would assume the indebtedness. The election shall be called, held, and conducted in the district or part

thereof by the county superintendent of schools as provided in Division 4 of this code.

In a combined election for the organization or reorganization of districts and assumption of indebtedness, the election shall be ordered by the county superintendent of schools and shall be called, held, and conducted by him as provided in Division 4 of this code. In a combined election two forms of ballots shall be used. Each form shall be of a different color. One form of ballot shall be on the question of organization or reorganization and the other form of ballot shall be on the question of assumption of bonded indebtedness.

The ballots used at an election for the assumption of indebtedness shall contain the words: "For assumption of liability for outstanding bonded indebtedness of _____ District—Yes" and "For assumption of liability for outstanding bonded indebtedness of _____ District—No."

1644.1. Except as provided in Sections 1822, 1822.1, 1822.2, 1822.3, and 1822.4, the election provided for in Section 1823, shall be ordered by the governing board of the district having the outstanding bonded indebtedness. The election shall be called, held, and conducted by the county superintendent of schools as provided in Division 4 of this code. The ballots used at the election shall contain the words: "For assumption of liability for outstanding bonded indebtedness of _____ District ____ Yes" and "For assumption of liability for outstanding bonded indebtedness of _____ District ____ No." The name of the district having the outstanding bonded indebtedness shall be inserted in the blank spaces.

1645. The county superintendent shall canvass the returns of an election in an action to organize or reorganize districts as provided in Section 1414. Upon completion of the canvass the county superintendent shall certify the results of the election to the governing boards of the districts affected. If the requisite number of the votes cast is in favor of the organization or reorganization proposition, he shall also certify the proceedings and the results to the county board of supervisors of each county in which is located any school district which is changed by the action as to boundaries, status, or kind.

1646. Unless otherwise specifically provided, the question of the organization or reorganization of districts submitted at an election is determined in favor of the organization or reorganization if a majority of the votes cast at the election favor the organization or reorganization.

1647. After the county board of supervisors acts upon and approves a petition in an action to organize or reorganize districts or receives a proper certificate of election or other proper evidence that an action to organize or reorganize school districts has been approved as provided by law, the board of supervisors shall make an order to create, change, or terminate school districts as may be required by the action and establish or re-establish the boundaries of the districts affected by the

action. The order shall be entered in the county's record of school districts.

If the action results in the creation of a district or a change of district boundaries, of the type described in Section 54900 of the Government Code, the order of the board of supervisors shall include the legal description of each district created or changed in the action and, immediately after making the order, the board of supervisors shall cause a copy of the order and a map or plat indicating the boundaries established or reestablished for each district affected by the order to be filed as required by Chapter 8 (commencing with Section 54900), Part 1, Division 2, Title 5 of the Government Code.

1648. After the expiration of one year from the date of the order, the order shall be conclusive evidence that the district has been legally organized, or the boundaries legally changed, as the case may be, and no suit shall be maintained which questions the validity of the organization or change of boundaries.

Article 3. Organization and Reorganization of Districts Under the Jurisdiction of Different Counties

1681. In any action to organize or reorganize districts so as to change the boundaries or status of one or more school districts under the jurisdiction of different county superintendents of schools, the proceedings to be conducted or the actions to be taken by county officers or agencies shall be conducted or taken concurrently in each of the counties except as provided in this article or as otherwise provided by law.

1682. Any petition to a county officer or agency in an action referred to in Section 1681 shall be presented concurrently in each county. The sufficiency of the petition shall be determined jointly by the county superintendents who have jurisdiction over the elementary or unified districts in which any petitioners reside.

1683. Any election in an action referred to in Section 1681 shall be called and conducted by each county superintendent in the elementary or unified districts which are under his jurisdiction and in which the election is to be held The designation of the date and hours of the election and the form and content of the ballot and the declaration of the result of the election shall be by joint action of the county superintendents who call and conduct the election.

1684. Any decision as to whether an election in an action referred to in Section 1681 shall be held or a public hearing conducted shall be made jointly by the county officers or agencies required by law to make the decision. Any advisory recommendations, statements, or findings required or permitted of county officials or agencies may be made either separately or jointly at the discretion of the officials or agencies of each county involved in the action.

1685. Any public hearing required or allowed to be held in an action referred to in Section 1681 may be conducted concurrently in each county or jointly in either county as appears most convenient and practical to the county officers or agencies conducting the hearing.

1686. Any decision in an action referred to in Section 1681 to grant or deny the proposed reorganization may be taken at or following a joint public hearing. If separate hearings are conducted concurrently in each county a decision to grant or deny the proposed reorganization shall be made only after findings and tentative conclusions of the hearings in each county have been transmitted to the officer or agency which conducted the concurrent hearings in each of the other counties A decision to grant the proposed reorganization shall be effective only if the same decision is rendered in each of the counties involved in the matter.

Article 4. Completion and Effective Dates for Actions to Organize and Reorganize Districts

1701. An action to organize or reorganize a district is complete when the board of supervisors makes the order required by Section 1647.

1702. An action to form a unified school district under Section 1976 is complete upon the date of completion of the action by which the boundaries of the districts comprising the unified district become coterminous.

1703. In any district which is created or whose boundaries or status is changed by an action to organize or reorganize districts, the changes shall be effective on the date the action is completed for the purposes set forth below:

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

(b) The appointment or election of members of the governing board.

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

(d) The election or appointment of an executive officer and other employees required to service the immediate needs of the district.

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

(f) The calling and conducting of any elections authorized by law relative to the financing of the district, including bonded indebtedness, tax rates, and state school building aid.

(g) The expenditure of funds available to the district.

(h) The participation in any proceeding authorized by law for the further reorganization of the district.

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

1704. Except as provided in Section 1705 any action to organize or reorganize a district shall be effective for all purposes on the date set forth below, whichever is applicable:

(a) Any such action completed on or before February 1 of any school year shall be effective on the next succeeding July 1.

(b) Any such action completed after February 1 of any school year shall become effective on the second succeeding July 1.

1705. An order of a board of supervisors attaching the territory of a lapsed district to one or more adjoining districts shall be effective for all purposes on the date of the order.

1706. Any district which is reorganized so as to become wholly absorbed into one or more other districts shall continue as a district until the reorganization becomes effective for all purposes as provided in Section 1704. Thereafter the district shall cease to exist except insofar as specific provisions are made in this code for former districts.

Article 5. Territory of School Districts

1741. Except as provided in Section 1743, a new school district shall not be formed to include territory which is separated from other portions of the territory of the district by the territory of one or more other school districts.

1742. Except as provided in Section 1743 no territory which is not contiguous to a school district may be made a part of the district.

1743. Whenever territory is removed from a district so that the district is separated into two or more noncontiguous parts, the validity, powers, and duties of the district shall not be affected by the removal of the territory. Such a district may be annexed or attached to another district or included in the formation of a new district, or otherwise reorganized in the same manner as a district which does not include noncontiguous parts.

1744. Whenever any territory within a county is listed in the Annual Report of Assessed Valuation and Tax Rates as territory not included within the boundaries of both an elementary school district and a high school district, the county committee may, between July 1 and August 31, recommend to the board of supervisors of the county in which such territory is located that the territory be annexed to one or more adjoining school districts as the board of supervisors considers most convenient and proper.

Upon receipt of the recommendation of the report of the county committee, the board of supervisors may set a date of hearing and may give notice thereof as provided in Section 2368.

The board of supervisors shall at the time and place fixed in the notice hear all persons interested in the matter and may continue the hearing from time to time but for not more than

two weeks in all. After the hearing the board may make an order entered upon its minutes annexing the territory to such district as it deems proper and most convenient.

1745. The territory in any Indian reservation of the United States Government may be formed into one or more school districts, or may be included in whole or in part in one or more school districts in the same manner as other territory.

1746. Any land owned by the United States and lying within the boundaries of any school district is a part of the school district and has been continuously a part of the school district from the time the land first lay within the boundaries of the school district.

Article 6. Component Districts

1761. The boundaries of each high school district and of each junior college district shall be coextensive with the boundaries of the component district or districts included within it.

1762. When the boundaries of a district which is a component of a high school district or junior college district are for any cause changed to include territory not previously in the district, the territory added to the district shall at the same time become and constitute a part of the high school district or junior college district, as the case may be.

1763. When the boundaries of a district which is a component district of a high school district or of a junior college district are changed so as to exclude territory from the district, the excluded territory shall at the same time be excluded from the high school district or junior college district, as the case may be.

1764. When a new elementary district is formed from territory situated wholly within one high school district, or when a new high school or unified district is formed from territory situated wholly within one junior college district, the new school district shall be a component of that high school or junior college district.

1765. When a new elementary school district is formed from territory situated in more than one high school district or when a new high school or unified district is formed from territory situated in more than one junior college district, the county superintendent of schools shall order an election to be held in the new district to decide to which high school or junior college district the new district shall belong. The election shall be held prior to the date on which the formation of the new district is effective for all purposes.

1766. When a new elementary district is formed to include territory part of which was in one or more high school districts and part of which was in no high school district, or when a new high school or unified district is formed to include territory part of which was in one or more junior college districts and part of which was in no junior college district,

the whole of the new district shall be a component of one high school or junior college district as provided in this section.

When the territory of the new district was included in not more than one high school or junior college district, the new district shall be a component of that high school or junior college district.

When parts of the territory of the new district were included in more than one high school or junior college district, the whole of the new district shall be a component of the high school or junior college district selected by the voters in an election to be ordered and held as provided in Section 1765.

Article 7. Tax Rates of Reorganized Districts

1791. When any district for which the voters have established a maximum tax rate in excess of that prescribed in Section 20751 is reorganized the effect upon the maximum tax rate previously established for the districts is as provided in this article.

1792. When a new district is formed, any maximum tax rates previously established for the former districts are not thereby transferred to the new district except as provided in this article.

1793. When the boundaries of an existing district are changed by the addition or deletion of any territory or district, any maximum tax rate previously established for the existing district is not affected by the change of boundaries

1794. When a district or part of a district is attached to another district by annexation, transfer, or otherwise, any maximum tax rate previously established for the former district is not thereby transferred to the district to which the territory is attached, except as provided in this article.

1795. When a unified district is formed because the boundaries of an elementary district and a high school district become coterminous, and either or both of the former districts had established a district tax rate in excess of the maximum prescribed by Section 20751, the amount of the excess portion of the rate for either or both districts shall, if the governing board of the unified school district so determines, be continued and added to the maximum rate otherwise prescribed for the unified district for a period not to exceed the remaining number of years for which the excess tax rate was previously authorized.

1796. If a junior college district is formed with boundaries which are coterminous with the boundaries of a single high school district of any type and both districts are thereafter governed by governing boards of identical personnel, and if prior to the formation of the junior college district the high school district had established a district tax rate in excess of the maximum rate prescribed by Section 20751, such excess tax rate shall be continued at the option of the governing boards of the high school and junior college districts as the maximum

combined tax rate of both districts for combined high school and junior college purposes for a period not to exceed the remaining number of years for which the excess tax rate was previously authorized by the voters of the high school district.

Whenever the excess tax rate is continued as the maximum combined rate of both districts and the boundaries of the high school and junior college districts thereafter become noncoterminous as a result of any junior college district organization or reorganization proceedings, the excess tax rate shall be continued at the option of the governing board of the high school district as the maximum tax rate of such district for high school purposes for a period not to exceed the remaining number of years for which the excess tax rate was previously authorized by the voters of the high school district.

Article 8. Disposition of Records, Funds, Property, and Obligations When Districts Are Reorganized

1821. When school districts are created or abolished, or the boundaries thereof changed, the liability to taxation for the outstanding bonded indebtedness of the district is, when not otherwise prescribed by this code, as provided in this article. The authorities whose duty it is to levy taxes for the payment of principal and interest on the outstanding bonds, shall levy the taxes upon the districts affected in such proportions as are provided in or are determined under the authority of this article.

1822. In any action to annex or transfer districts or to transfer territory pursuant to Chapters 3, 4, and 5 (commencing with Sections 2091, 2191, and 2301, respectively) the agreement to annexation or transfer may include a provision for the assumption by the annexed or transferred territory or district of a proportionate share of the outstanding bonded indebtedness of the district to which the territory or district is annexed or transferred, or a provision for the assumption by the district to which the other district is transferred of outstanding bonded indebtedness of such other district or for the assumption by the district to which the territory is transferred of all or a part of the outstanding indebtedness of the district from which the territory is transferred, or any combination of such provisions.

It shall be specified in such a provision whether the assumption of indebtedness is a condition to the annexation or transfer so that the annexation or transfer will be completed only if the indebtedness is assumed by the requisite number of votes at an election for the assumption of the indebtedness held in the territory or district proposed to assume the indebtedness.

1822.1. If the assumption, referred to in Section 1822, is made a condition to the transfer or annexation pursuant to Section 1822, the election for the assumption of indebtedness shall be combined with the election for the transfer or annexation pursuant to Section 1644, or, if no election is required for

the annexation or transfer, the election for the assumption shall be held before the board of supervisors makes its order pursuant to Section 1647. If the assumption is not made a condition of the annexation or transfer, the election for assumption may, if so specified in the agreement, be combined with the election for the transfer or annexation pursuant to Section 1644, or at some other time, in which case the election on assumption shall be ordered, called, held, and conducted pursuant to Section 1644 or 1823, as the case may be.

1822.2. Upon petition of 10 percent of the qualified electors residing in any district wholly included in a new or existing district requiring the governing board of such new or existing district to do so, or upon the adoption of a resolution by the governing board of such new or existing district, the governing board of such new or existing district shall order an election in such district to determine whether it shall assume the bonded indebtedness of the included district.

1822.3. When a portion of a district is included in a new or existing district and the portion remains liable for the bonded indebtedness of the district of which it was a part, the governing board of such new or existing district shall order an election in such district upon receiving a petition of 10 percent of the qualified electors residing in such portion requesting it to do so or upon adopting a resolution of the governing board of such new or existing district, to determine whether the new or existing district shall assume the portion of the bonded indebtedness of the district of which the portion was formerly a part and for which the portion remains liable after being included in the new or existing district. The election shall be called, held, and conducted by the county superintendent of schools pursuant to Section 1644.

1822.4. The indebtedness, referred to Sections 1822, 1822.1, 1822.2, and 1822.3, is assumed if at the election on assumption provided for in such sections two-thirds of the votes cast on the question of assumption favor the assumption.

1823. No territory which comprises the whole or a part of a district and which is made a part of another district or of a new district through any proceeding involving any affirmative action taken by the residents of such territory shall be liable for any of the then outstanding bonded indebtedness of the district of which it is made a part unless such liability is specifically authorized by a vote of two-thirds of the electors of the territory or district voting at an election called for that purpose in accordance with Section 1644.1 or Sections 1822, 1822.1, 1822.2, 1822.3, and 1822.4.

1825. For the purposes of this article "affirmative action" includes but is not limited to the following:

(a) The signing of a petition to organize or reorganize a school district by the electors residing in the territory or district affected, in accordance with this division.

(b) The voting at an election on the question of the organization or reorganization of a school district conducted in the

territory or district affected, in accordance with this division.

(c) Whenever territory which comprises the whole or part of a district and which is made a part of a unified district because of annexation of such territory to the city in which is situated all or part of such unified district by means of an election, such election shall constitute affirmative action taken by the residents of such territory for the purposes of Section 1823. This subdivision applies to any such annexation to a city which was completed on or after November 20, 1952.

1826. When any school district is united or in any manner merged with one or more school districts so as to form a single district by a procedure which does not involve affirmative action by residents of the district, the district so formed is liable for all the outstanding bonded indebtedness of the districts united or merged.

1827. When territory is taken from one school district and annexed or transferred to another by a procedure which does not involve any affirmative action by the residents of the territory, the territory becomes liable to taxation for the bonded indebtedness of the district to which it is annexed.

The board of supervisors of the county in which the territory is situated shall, by order entered on its minutes, within 60 days after the changes, determine what proportion of the outstanding bonded indebtedness of the district from which it was taken was incurred for the acquisition or improvement of school lots or buildings, or fixtures therein, situated in the territory transferred. The district to which the territory was annexed or transferred shall thereupon become liable for the proportion of the indebtedness so determined.

1828. When a portion of a school district is taken from the district and annexed to, transferred to, or included in, any other district, with or without affirmative action taken by the residents within such portion and real property or fixtures of the district from which the portion is taken are situated in such portion, or when a high school district or unified district ceases to maintain a junior college by virtue of its inclusion in a new or reorganized junior college district, the district in which the portion is annexed, transferred or included, or the new junior college district, as the case may be, if it receives the property of the other district pursuant to this division and if it does not assume the bonded indebtedness incurred by the other district on account of the acquisition or improvement of the property, shall pay the other school district for the use of such property as provided in this section.

Within 60 days after the annexation, transfer, or inclusion has been effected, the board of supervisors of the county which has jurisdiction over the district from which the property is taken shall, by order entered upon its minutes, determine what proportion of the then outstanding bonded indebtedness of the school district from which the property was taken was incurred for the acquisition or improvement of the real property and all fixtures therein or thereon. Commencing one year after the

date of the determination, the school district receiving the property of the other district shall pay annually to the other school district for the use of such property an amount equal to the annual amount required for the payment of interest and redemption of the portion of the bonded indebtedness determined by the board of supervisors.

The rate of tax required of the district to provide funds for the making of the payments required by this section shall be in addition to the maximum rate of tax for the district fixed under Sections 20751 and 20803.

1829. Whenever territory is taken from a district of any kind or class, the territory withdrawing shall continue to be liable for such portion of the bonded indebtedness of the district incurred before the withdrawal as it would have been liable for had it not withdrawn.

If the territory is included in a district which assumes a portion of the bonded indebtedness of the district from which the territory was taken or makes payments to the district equal to the principal and interest of such portion of bonded indebtedness as it falls due, such assumption or repayment shall be deemed to fulfill the obligation of the transferred territory with respect to the liability imposed by this section

1830. When any school district is wholly annexed to another district or is included in a new district, all property, funds and obligations of the former district, except for bonded indebtedness, shall accrue to the annexing district or to the new district, as the case may be. Any funds derived from the sale of school bonds issued by the former district shall be used for the acquisition, construction, or improvement of school property only in the territory which comprised the former district or to discharge bonded indebtedness of the former district.

This section does not apply to an annexed district which becomes a component district of its annexing district or the new district.

1831. When the entire territory of a school district is divided and the parts thereof are included in two or more other districts, and when the allocation of funds, property and obligations is not fixed by terms, conditions, or recommendations as provided by law, the funds, property, and obligations of the former district except for bonded indebtedness, shall be allocated as herein provided:

(a) The real property and personal property and fixtures normally situated thereat shall be the property of the district in which the real property is located.

(b) All other property and funds, after all obligations except bonded indebtedness have been discharged, shall be divided pro rata among the districts in which the territory of the former district is included. The basis for the division and allocation shall be the assessed valuation of the part of the former district which is included within each of the districts

1832. When a portion of the territory of a district is withdrawn and annexed to or included in another district or is formed into a new district and a division of funds, property, and obligations is not set forth in terms and conditions or recommendations as provided by law, the funds, property, and obligations of the district from which the territory is taken, except for bonded indebtedness, shall be allocated as herein provided:

(a) The real property and any personal property and fixtures normally situated thereat shall be the property of the district in which the real property of the district is located.

(b) Except as provided otherwise by law, all other funds, property, and obligations shall remain with the district from which the territory was taken.

1833. When a high school district or unified school district ceases to maintain a junior college by virtue of its inclusion in a new or reorganized junior college district and a division of funds, property, and obligations is not set forth in terms and conditions or in recommendations as provided by law, the funds, property, and obligations of the high school district or unified district, except for bonded indebtedness, shall be allocated as herein provided:

(a) The real property and personal property and fixtures used for junior college purposes shall be the property of the junior college district.

(b) The balance remaining in the general fund of the high school or unified district at the end of the last year in which the district maintained a junior college shall be divided in the same ratio that the expenditures from that fund for junior college purposes for the last year in which the junior college was maintained bear to the total expenditures of the district during that year. The amount so allocable to the junior college district shall be transferred to, and deposited in, the general fund of that district.

(c) The balance remaining in the special reserve fund of the high school or unified district at the end of the last year in which the district maintained a junior college, deposited there by the district governing board to be used for junior college purposes, shall be transferred to the junior college district and deposited in the special reserve fund of that district.

1834. If all of the territory of any school district becomes part of two or more school districts of any type, and the inclusion in the two or more new school districts of the several portions of territory comprising the whole of the original school district is effective for all purposes on the same date, the records of the original school district shall be disposed of as follows:

(a) All records of the original school district which are required by law to be kept on file shall be deposited with the governing board of the school district which, after the reorganization has become effective for all purposes, has located within

its boundaries the former office of the superintendent of the original school district.

(b) Records of employees shall be transferred to the school district thereafter employing the personnel or thereafter maintaining the last place of employment.

(c) Records of pupils shall be transferred to the school district which, after the date on which the reorganization becomes effective for all purposes, maintains the school in which a pupil was last enrolled.

1835. If all of the territory of any school district becomes part of two or more school districts of any type, and the inclusion in the two or more new school districts of the several portions of territory comprising the original school district is effective for all purposes on the same date, the county superintendent of schools having jurisdiction over the original district shall assume responsibility for:

(a) Completing all records and reports of the original district.

(b) Paying all outstanding obligations, except obligations resulting from contracts which are to be assumed by a succeeding district.

(c) Preparing for proper filing all records of the district required to be kept permanently by the provisions of any applicable code.

(d) Distributing records as provided in Section 1834.

(e) Employing an auditor as required in Section 17206.

(f) Discharging such other functions as he shall deem necessary to the dissolution of the district.

In discharging these duties the county superintendent may request the services of employees of the original district and the succeeding districts shall release such employees to the county superintendent for the purpose of accomplishing the requirements of this section. The salaries of such employees and all other necessary expenses of completing the requirements of this section shall be charged against the accumulated funds of the dissolved district prior to the final distribution of such funds to the succeeding districts.

Article 9. Inclusion of All Elementary Districts in High School or Unified Districts

1861. The Legislature hereby declares as its policy that all elementary school districts shall be included in a high school district or in a unified school district.

1862. The county committee of each county in which there is any elementary school district not included within a high school district shall formulate plans and recommendations to be submitted to the State Board of Education for one of the following:

(a) The formation of high school districts or unified school districts comprising one or more of such elementary school districts and the annexation of any such elementary school dis-

tricts not included therein to the existing high school district or unified school district whose high school is most easily accessible to the pupils of the elementary school district.

(b) The annexation of each of the elementary districts to the existing high school district or unified school district whose high school is most easily accessible to the pupils of the elementary school district.

1863. The county committee of each county in which there is a portion of any elementary school district not included within a high school district shall formulate plans and recommendations to be submitted to the State Board of Education for the annexation or transfer of such portion of such elementary school district to the existing high school district or unified school district whose high school is most easily accessible to the pupils of the elementary school district.

1864. Plans and recommendations submitted to the State Board of Education which include the territory of two or more counties, which provide for annexation or transfer to a district under the jurisdiction of another county, or, which provide for the formation of a joint district shall be concurred in by the county committee of each such county.

1865. When territory has been selected for the tentative preparation of plans and recommendations, the county committee shall hold one or more public hearings in the territory at which any interested person may be heard. Any public hearing may be continued from time to time. Notice of the hearing shall be given in the manner provided in Section 3295. The notice shall contain a general statement of the purpose of the hearing and the time and place thereof.

1866. Plans and recommendations required by this article shall be formulated and submitted by county committees to the State Board of Education on or before December 1, 1957.

1867. The State Board of Education shall consider plans and recommendations submitted to it by a county committee and shall either approve or reject them. If the plans and recommendations submitted by a county committee provide for the inclusion of an elementary district which is coterminous with the boundaries of the county in a high school district or a unified district the State Board of Education may postpone any action until such time as they deem it appropriate for action to be taken.

1868. If the State Board of Education approves plans and recommendations submitted to it by a county committee, it shall enter an order of such approval in its minutes. The order shall describe the boundaries of a new high school district or unified school district and the boundaries as changed in an existing high school district or unified school district.

If the State Board of Education rejects plans and recommendations submitted to it by a county committee, it shall order the county committee to formulate and submit, in the manner provided in this article, new plans and recommenda-

tions to the board within such time as may be determined by the board.

1869. The State Board of Education may, when it deems advisable, refer the recommendation of a county committee relating to a single elementary school district to a board of review consisting of three county superintendents of schools of counties not contiguous to the county in which the school district is located. Such board of review shall be appointed by the Superintendent of Public Instruction. The board of review shall investigate and shall conduct a hearing to be held in the school building maintained by the district in question and the recommendation of the review board shall be filed with the State Board of Education. The recommendation shall be either to approve or to reject the plans and recommendations of the county committee.

1870. If a petition signed by two-thirds of the registered voters residing in any elementary school district, is filed with the State Board of Education within 60 days of the receipt of the plans and recommendations of the county committee affecting such district, protesting the plans and recommendations, the State Board of Education shall reject the plans and recommendations. Prior to being filed with the State Board of Education the signatures on the petition shall be verified by the county superintendent of schools who shall attach his affidavit that the signatures have been verified and that the petition is sufficient.

1871. Upon approval of plans and recommendations submitted to it by a county committee, the State Board of Education shall notify all school districts affected and the board of supervisors and the county superintendent of schools of each county in which any part of the territory affected is situated.

The board of supervisors shall issue the necessary orders and take such other action as set forth in Section 1647.

Chapter 2. Formation of Districts

Article 1. General Provisions

1972. The State Board of Education shall establish minimum standards for the formation of districts which it shall apply in approving or disapproving petitions for the formation of new districts.

1973. When a petition for a new district is to be heard by the State Board of Education pursuant to this chapter the State Superintendent of Public Instruction may, if he deems it advisable, make a survey of the districts or territory proposed to be included in the new district and of the districts contiguous thereto. He shall report the findings of the survey to the State Board of Education together with his recommendations concerning the petition. The cost of the survey shall be borne by the districts proposed to be included in

the new district, and it shall be divided among them in proportion to the assessed valuation of territory of each district proposed to be included in the new district.

1974. Every city organized before September 11, 1957, except a general law city, constitutes a separate school district unless otherwise prescribed in its original city charter. The district shall be governed by the board of education or board of school trustees of the city. Every chartered city organized on and after September 11, 1957, unless otherwise provided in its original charter, constitutes a separate school district if approved by the State Board of Education. The approval shall be by resolution. The State Board of Education shall approve such district only if it has received the favorable recommendation of the county committee and the county superintendent of schools of the county in which the city is situated. Sections 2304 to 2306, inclusive, shall apply to any annexation of territory to a city constituting a separate school district under this section. If the consent of the governing board of the district is first obtained, territory within the exterior boundaries of a city may be withdrawn from the school district of that city and annexed or transferred to an adjoining school district in the manner provided elsewhere in this code for the change of school district boundaries.

1976. Whenever the boundaries of an elementary school district and a high school district become coterminous, the districts shall be merged into a new unified district.

Article 2. Formation of New Elementary, High School, and Junior College Districts From Territory of Existing Districts

1991. A new elementary, high school, or junior college district may be formed pursuant to this article to include all or part of the territory of one or more existing districts of the same kind as the new district or to include territory which is a part of a district not of the same kind as the new district, or both. If a new district is to be formed only from all of the territory of two or more districts of the same kind as the new district, the district shall be formed pursuant to Article 3 (commencing with Section 2021) and not pursuant to this article.

1992. An action to form a new elementary district is initiated upon the filing with the county superintendent of schools of a petition for the new district. The petition shall be signed by at least 25 percent of the registered electors residing in the territory proposed to be included in the new district.

An action to form a new high school district or junior college district is initiated upon the filing with the county superintendent of schools of a petition for the new district signed by either of the following:

(a) At least 25 percent of the registered voters residing in the territory proposed to be included in the new district.

(b) A majority of the members of the governing board of each district which would be components of the proposed new district.

1993. The county superintendent of schools shall, within 20 days after the petition for a new district is filed, examine the petition, and, if he finds it to be sufficient and signed as required by law, transmit the petition to the office of the secretary of the State Board of Education.

1994. When a petition for a new district is received in the office of the secretary of the State Board of Education the secretary shall set the petition for hearing at a regular or special meeting of the board. At least 30 days prior to the date of the hearing he shall send by registered mail a notice containing a general statement of the purpose of the petition and the time and place of the hearing to each of the following persons or agencies:

(a) The governing board and district superintendent of each school district whose boundaries would be affected.

(b) The county superintendent and county committee of each county which has jurisdiction over any of the districts whose boundaries would be affected.

(c) The persons designated in the petition as "chief petitioners."

1995. After hearing those who present themselves to speak on the petition and after hearing any findings and recommendations of the State Superintendent of Public Instruction, the State Board of Education shall approve or disapprove the formation of the proposed new district. If the board approves the formation, it shall determine whether the election shall be held only in the territory or district proposed to be included in the new district or whether the election shall be held in the district or in each of the districts from which territory would be removed to form the new districts.

1996. If the State Board of Education approves the formation of the proposed new district the secretary of the board shall immediately notify the county superintendent of schools. Within 20 days after receiving the notification, he shall call an election, in the manner prescribed in Division 4 of this code, in the territory or districts as determined by the State Board of Education. The ballot used in the election shall contain the words "For the formation of the new____ ____district" followed by the words "Yes" and "No" so placed that the voter may clearly indicate his choice.

Article 3. Formation of New Elementary, High School, Junior College, and Unified Districts by Combining Existing Districts of the Same Kind

2021. A new elementary, high school, junior college, or unified district may be formed pursuant to this article by combining two or more existing districts of the same kind.

2022. An action to form a new district by combining existing districts of the same kind is initiated upon the filing with the county superintendent of schools of a petition for the new district. The petition shall be signed by either of the following:

(a) At least 25 percent of the registered electors residing in each of the districts proposed to be combined.

(b) The governing boards of each of the districts.

2023. The county superintendent of schools shall, within 20 days after the petition to form a new district is filed, examine the petition and, if he finds it to be sufficient and signed as required by law, order an election in each of the petitioning districts. The ballot shall contain the words "For the formation of the new _____ district" followed by the words "Yes" and "No" so placed that the voter may clearly indicate his choice. If a majority of the votes cast in each of the districts is in favor of the new district, it shall be formed.

Article 4. Formation of Consolidated High School Districts

2031. A majority of the registered voters residing in each of two or more elementary, union elementary, or joint union elementary school districts which are part of one or more high school districts, may present to the county superintendent of schools who has jurisdiction over the elementary school districts or a majority thereof, a petition asking for the organization of a consolidated high school district to include all of the territory of the elementary school districts represented in the petition if all of the following conditions exist:

(a) The assessed valuation of the elementary districts totals twenty-five million dollars ($25,000,000) or more.

(b) The average daily attendance of all of the elementary districts, as determined for the preceding fiscal year, totals five hundred (500) or more.

(c) The area of all of the elementary districts totals two hundred (200) square miles or more.

(d) The high school districts from which territory is withdrawn to form a consolidated high school district shall be left with not less than twenty-five million dollars ($25,000,000) in assessed valuation.

(e) The high school districts from which territory is withdrawn to form a consolidated high school district shall be left with an average daily attendance in grades 9 through 12 of not less than 500.

The county superintendent shall, within 20 days after receiving the petition, examine the petition and, if he finds it to be sufficient and signed as required by law, submit the petition to the county committee for approval.

2032. Upon the receipt of the petition, the county committee shall consider it and final action taken on the petition to form a consolidated high school district shall be taken only in accordance with the procedures set forth under the provisions of Chapter 10 (commencing with Section 3101) of this

division embodying approval by the State Board of Education and by the electorate of the proposed consolidated high school district subject to the following exceptions:

(a) The county committee shall provide in its plan submitted to the State Board of Education for trustee areas, not to exceed seven, with each trustee area comprising at least one of the component elementary districts.

(b) The ballots used in the election shall contain the words "new consolidated high school district—yes, and new consolidated high school district—no"

(c) Candidates for the position of member of the governing board of the consolidated high school district shall be members of the governing boards of the respective component elementary school districts.

2034. The first governing board of the consolidated high school district shall be elected at an election held separately but simultaneously with the election to form the consolidated high school district.

2035. Any consolidated high school district formed under this article shall be lapsed in the manner provided in Article 1 (commencing with Section 2701) of Chapter 7 of this division, upon failure, within two years after the making of the order specified in Section 1647, to issue bonds in an amount which will produce proceeds sufficient to enable the acquisition of one or more sites and the acquisition or construction of one or more high schools. The procedures necessary to obtain authorization to issue bonds may be consolidated with the procedures for formation of the consolidated high school district.

2036. The allocation and assumption of portions of existing bonded indebtedness and the allocation and transfer of assets of any high school district from which territory is withdrawn in the formation of a consolidated high school district pursuant to this article shall be governed by the applicable provisions of Chapter 1 (commencing with Section 1601) of this division, and Article 7 (commencing with Section 16301) of Chapter 2 of Division 12.

CHAPTER 3. ANNEXATION OF DISTRICTS

2091. Any district may be annexed to a contiguous district of the same kind so that the annexed district ceases to exist and its territory is merged with and becomes a part of the annexing district.

2092. An elementary or high school district may be annexed to a contiguous unified district so that the annexed district ceases to exist and the territory is merged with and becomes a part of the annexing district.

2093. A high school or unified district may be annexed to a contiguous junior college district so that the annexed district becomes a component district of the annexing district.

2094. Whenever provision is made in this chapter for the annexation of one school district to another, two or more school

districts adjoining each other may be annexed simultaneously to a school district contiguous to one or more of the adjoining districts. If the proposed annexation of one of the adjoining districts fails and by reason of the failure any of the districts voting to be annexed would be noncontiguous to the annexing district, the annexation of the district or districts shall be void and of no effect.

2095. An annexation action pursuant to this chapter is initiated upon the filing with the county superintendent of schools of a petition for annexation and an agreement to the annexation.

2096. The petition for annexation shall be signed by 25 percent of the registered electors of the district proposed to be annexed or by a majority of the members of the governing board of that district.

2097. The agreement to the annexation shall be signed by a majority of the members of the governing board of the district to which annexation is proposed. It shall set forth any terms or conditions for the annexation which may have been agreed to by the governing boards of the districts affected thereby. If terms or conditions are included in the agreement, it shall be signed by a majority of the members of each governing board agreeing thereto.

2098. The county superintendent of schools shall, within 20 days after receiving the petition for annexation, examine the petition and agreement and, if he finds them to be sufficient and signed as required by law, order an election to be held in the petitioning district to determine the question. The ballot used in the election shall contain the words "For annexation of the (name of petitioning district) District to the (name of annexing district) District" followed by the words "Yes" and "No" so placed that the voter may clearly indicate his choice.

CHAPTER 4. TRANSFER OF COMPONENT DISTRICTS BETWEEN HIGH SCHOOL DISTRICTS OR BETWEEN JUNIOR COLLEGE DISTRICTS

2191. An elementary district may be transferred from one high school district to another and a high school or unified district may be transferred from one junior college district to another pursuant to this chapter.

2192. An action to transfer a component district from one high school or junior college district to another district of the same kind is initiated upon the filing with the county superintendent of schools of a petition for transfer and an agreement to the transfer.

2193. The petition shall be signed by 25 percent of the registered electors residing in the component district or by the governing board of the high school or junior college district of which the component district is a part.

2194. The agreement to the transfer shall be signed by a majority of the members of the governing board of the high

school or junior college district to which it is proposed to transfer the component district.

2195. The county superintendent of schools shall, within 20 days after the filing of the petition for transfer, examine the petition and if he finds it to be sufficient and signed as required by law, transmit the petition to the office of the secretary of the State Board of Education.

2196. When a petition for transfer of a component district is received in the office of the secretary of the State Board of Education the secretary shall set the petition for hearing at a regular or special meeting of the board. At least 30 days prior to the date of the hearing, he shall send by registered mail a notice containing a general statement of the purpose of the petition and the time and place of the hearing to each of the following persons or agencies:

(a) The governing board and district superintendent of each school district whose boundaries would be affected by the proposed transfer.

(b) The county superintendent and county committee of each county which has jurisdiction over any of the districts whose boundaries would be affected.

(c) The persons designated in the petition as "chief petitioners."

2197. After hearing those who present themselves to speak on the petition, the State Board of Education shall approve or disapprove the proposed transfer of the component district. If the board approves the transfer, it shall determine whether the election shall be held only in the component district proposed to be transferred or whether the election shall be held in the whole of the high school or junior college district from which the component district would be removed.

2198. If the State Board of Education approves the proposed transfer of the component district, the secretary of the board shall immediately notify the county superintendent of schools. Within 20 days after receiving the notification, he shall order an election in the district as determined by the State Board of Education. The ballot used in the election shall contain the words "For the transfer of_____district from the _____ (high school or junior college) district to the _____ (high school or junior college) district" followed by the words "Yes" and "No" so placed that the voter may clearly indicate his choice.

CHAPTER 5. TRANSFER OF TERRITORY

Article 1. General Provisions

2301. Whenever a district acquires or leases for a year or more a school site which is contiguous to its boundaries but which is not included in the boundaries of a chartered city, the site is transferred to the district which acquired or leased it. The county superintendent shall certify to the county

board of supervisors that the property has been acquired or leased and the board shall issue the boundary change orders as provided in Section 1647 of this code.

2302. When territory is acquired or leased by a high school or junior college district and is transferred thereto pursuant to Section 2301 the territory is transferred also to a component district of the high school or junior college district.

2303. No proceedings affecting school district boundaries shall operate to exclude a school site from the school district owning the same if after such proceedings are complete the school site remains contiguous to the boundaries of the district. The school site remains contiguous for the purpose of this section although separated from the boundaries of the district by a road, street, stream, or other natural or artificial barrier or right-of-way. Notwithstanding such proceedings the site shall continue to be a part of the district owning or occupying the same, and the buildings and improvements thereon shall remain the property of such district.

2304. Territory annexed to a city which is not contiguous to a school district within the city shall not automatically become a part of any school district within such city pursuant to Section 1974.

2305. When territory is annexed to a city pursuant to the Annexation Act of 1913 (commencing with Government Code Section 35100) or the Annexation of Uninhabited Territory Act of 1939 (commencing with Government Code Section 35300), the territory does not thereby become a part of the school district of the city pursuant to Section 1974 unless the resolution required by Government Code Section 35117 or Section 35306, as the case may be, contains a statement that the annexed territory shall become a part of the school district of the city. A statement to transfer the annexed territory to the city school district shall not be included in such a resolution unless the territory is contiguous to the school district of the city and the governing boards of each of the districts whose boundaries would be changed have agreed in writing to the transfer. If the boundaries of three or more districts would be affected and only one of the districts is not in agreement with the others, the matter may be referred to the State Board of Education whose decision in the matter will be final.

2306. Territory annexed to a city pursuant to Articles 3, 4, 7, and 8 (commencing with Sections 35200, 35250, 35450, and 35470, respectively) of Chapter 1, Part 2, Division 2, Title 4 of the Government Code shall not automatically become a part of any school district within such city pursuant to Section 1974.

2307. Whenever a city is incorporated, except a general law city, the board of supervisors of the county may transfer to the city for school purposes only, the remainder, or any part of the remainder, of the district or districts from which the city was organized, whenever a majority of the electors residing therein petition for such transfer.

The board of supervisors either when the district is formed or subsequently may include more territory than the remainder of the district or districts from which the city was organized, whenever a petition for this purpose is presented to them, signed by the majority of the electors residing in the additional territory.

The territory transferred may be in either the same or a different county than that of the school district to which it is transferred. If the territory transferred lies in a county other than the county in which the school district to which the territory is transferred lies, the school district shall not become a joint school district by reason of the transfer of such territory.

Article 3. Transfer of Territory From One Elementary or Unified District to Another

2361. Any part of an elementary or unified district which is less than the whole of the district may be transferred from that district to another elementary or unified district pursuant to this article.

2362. An action to transfer territory from an elementary or unified district to another elementary or unified district is initiated upon the filing with the county superintendent of schools of a petition for transfer and an agreement to the transfer.

2363. The petition for the transfer of territory shall be signed by 25 percent of the registered electors residing in the territory proposed to be transferred or by a majority of the members of the governing board of the district in which the territory is situated.

2364. The agreement to the transfer shall be signed by a majority of the members of the governing board of the district to which it is proposed to transfer the territory.

2365. The county superintendent of schools shall within 20 days after the filing of the petition and agreement, examine them and, if he finds them to be sufficient and signed as required by law, transmit the petition to the county committee or to the State Board of Education as provided in this section.

In the case of a petition to transfer territory from a unified district formed under provisions in Chapter 10 (commencing with Section 3101) of this division, the petition shall be transmitted to the State Board of Education. In the case of a petition to transfer territory from any other unified district or from an elementary district the petition shall be transmitted to the county committee.

2366. A petition transmitted to the State Board of Education pursuant to this article shall be heard by the board in the same manner as a petition for a new district as provided in Section 1994. After hearing those who present themselves to speak on the petition and after hearing any findings and recommendations by the State Superintendent of Public Instruction, the State Board of Education shall approve or disapprove the proposed transfer of territory. Thereafter, the secretary of

the board shall return the petition to the county superintendent of schools together with a notice of the decision of the state board.

2367. A petition transmitted to the county committee pursuant to this article shall be considered at the next regular meeting of the county committee following the county superintendent's transmittal thereof or at a special meeting called for the purpose, and the consideration may be continued for a period not to exceed 30 days. The county committee shall report in writing to the board of supervisors and to the governing boards of the district affected as to whether in the opinion of the county committee the proposed transfer would adversely affect the school district organization of the county and whether it is compatible with any master plans adopted by the county committee. The report may include also any other matter which the county committee desires to bring to the attention of the board of supervisors in connection with the proposed transfer of territory.

2368. When the State Board of Education has approved a petition for transfer of territory or when the county committee has adopted its report concerning such a petition, the county superintendent of schools shall set the matter for hearing by the board of supervisors at a regular meeting of the board. The county superintendent shall file the petition and agreement with the board together with a copy of a notice containing a general statement of the purpose of the petition, and of the proposed transfer of territory and the time and place when and where the petition will be heard.

At least 10 days prior to the date of the hearing the county superintendent shall send by registered mail a copy of the notice and a copy of the report of the county committee or a statement as to the approval of the State Board of Education to the chief petitioners, if any have been designated, and to each member of the governing board of each school district whose boundaries would be affected by the proposed change, and shall post copies of the notice as provided in Section 1343 or publish a copy of the notice as provided in Section 1344.

2369. After hearing all persons interested in the petition the board of supervisors shall grant or deny the petition or it shall require an election held on the question. If the board grants the petition it shall determine whether all or only a part of the territory petitioned for shall be transferred. If the board requires an election to be held it shall determine whether the election shall be in the whole elementary or unified district from which the territory would be transferred or whether the election shall be only in the territory proposed to be transferred. The county superintendent of schools shall call, hold, and conduct the election in the manner prescribed in Division 4 of this code.

In the case of a petition to transfer territory from a unified district formed under Chapter 10 (commencing with Section 3101) of this division to a contiguous unified district, the

county superintendent of schools shall within 30 days after receiving notice from the State Board of Education that it approves the transfer, call, hold and conduct, in the manner prescribed in Division 4 of this code, an election in the unified school district from which the territory is to be transferred. The ballots at the election shall contain the words "For Transfer—Yes," and "For Transfer—No."

Article 4. Transfer of Part of a Component District From One High School or Junior College District to Another District of the Same Kind

2391. Whenever parts of an elementary district are included in more than one high school district or whenever parts of a high school or unified district are included in more than one junior college district, any part or parts of the component districts may be transferred to the high school or junior college district which includes another part of the same component district pursuant to this article.

2392. An action to transfer a part of a component district from one high school or junior college district to another pursuant to this article is initiated upon the filing with the county superintendent of schools of a petition and agreement for transfer.

2393. The petition shall be signed by 25 percent of the registered electors residing in the part of the district proposed to be transferred or by a majority of the members of the governing board of the high school or junior college district from which the territory would be taken.

2394. The agreement to the transfer shall be signed by a majority of the members of the governing board of the high school or junior college district to which it is proposed to transfer the territory.

2395. The petition shall be acted upon in the same manner as is a petition for transfer of territory pursuant to Sections 2365 to 2369, inclusive.

CHAPTER 7. LAPSATION AND DISSOLUTION OF DISTRICTS

Article 1. Lapsation of Districts

2701. Any school district which has been organized for more than three years shall be lapsed as provided in this article if the number of registered electors in the district is less than six or if the average daily attendance of pupils in the school or schools maintained by the district is less than six in grades one through eight or is less than 11 in grades 9 through 12 or less than 11 in grades 13 through 14.

2702. The attendance of pupils residing in a unified district in high schools in an adjoining state pursuant to Section 10815 or Article 2 (commencing with Section 20151), Chapter 1 of Division 15 shall be deemed for the purposes of this

article to be in high schools established and maintained by the unified district.

2703. Within 30 days after the close of each school year the county superintendent of schools shall report to the county board of supervisors the name of any school district under his jurisdiction wherein the number of registered electors is less than six or the average daily attendance during the school year has been less than the numbers specified in Section 2701. The county superintendent shall at the same time recommend to the board of supervisors the district or districts to which the territory may best be annexed after the district has been lapsed.

2704. When the county board of supervisors receives the report of the county superintendent as provided in Section 2703 it shall order the district or districts to be lapsed. It shall also either order the territory of the lapsed district annexed to one or more adjoining districts as the county superintendent has recommended or it shall order a public hearing to be held on the question. If a public hearing is ordered the board shall fix the time thereof and shall provide that a notice be sent by registered mail at least 10 days before the hearing to each member of the governing boards of each of the districts which adjoin the lapsed district and to the persons who were members of the governing board of the lapsed district immediately prior to its lapsation. After the hearing the board of supervisors shall order the territory of the lapsed district annexed to one or more adjoining districts as seems to the board to be in the best interests of the adjoining districts and of the residents of the lapsed district.

2705 If the board of supervisors orders the territory of a lapsed district annexed to more than one adjoining district it may provide for such a division of the funds, property, and obligations of the lapsed district as it deems most equitable in the circumstances. If no division is provided for by the board the general provisions of Article 8 (commencing with Section 1821), Chapter 1 of this division shall apply to the division of funds, property, and obligations of the lapsed district.

Article 2. Dissolution of Union and Joint Union Elementary Districts

2741. Any union or joint union elementary school district formed by combining previously existing districts of the same kind, and which has been in existence three years or more, may be dissolved and the former districts composing the union or joint union elementary school district re-established in the manner prescribed by this article.

2742. An action to dissolve a union district and to re-establish the former districts is initiated upon the filing with the county superintendent of schools of a petition signed by two-thirds of the electors residing in the district who have children attending the school or schools of the district. The petition

shall set forth briefly the reasons for dissolution and request that the question be submitted to the voters in the district.

2743. When a petition for dissolution is presented pursuant to this article the county superintendent shall examine the petition and if he finds it to be sufficient and signed as required by law he shall, within 20 days after such finding, call, hold, and conduct, in the manner prescribed in Division 4 of this code, an election in the district. The ballot shall contain the words "For dissolution of the _____ Union District and re-establishment of the _____ and _____ Districts" followed by the words "yes" and "no" so placed that the voter may clearly indicate his choice.

2744. If two-thirds of all the votes cast at the election are in favor of dissolution, the district shall be dissolved and the former districts shall be re-established.

2745. If a majority of all the votes cast at the election is opposed to dissolution, no further petition shall be entertained or election ordered for a similar purpose within three years following the election.

2746. Within 30 days after the close of the last school year of the dissolved district the county superintendent of schools shall report to the county board of supervisors the name of any former district in the dissolved district wherein the average daily attendance of pupils residing within the boundaries of the former district has been less than six during the last year of the dissolved district. Any such former district shall be lapsed and its territory attached to one or more adjoining districts in the manner provided in Article 1 of this chapter.

CHAPTER 9 COUNTY MASTER PLANS FOR SCHOOL DISTRICT ORGANIZATION

3001. This chapter shall be administered by the Superintendent of Public Instruction.

3002. The State Board of Education shall adopt rules and regulations, not inconsistent with the provisions of this chapter, to carry out the provisions of this chapter.

3003. On or before September 15, 1963, each county committee shall prepare and submit to the State Board of Education a master plan for including all the territory of the county, including territory of adjacent counties where necessary, in school districts so that each school district shall provide an educational program including all grades from kindergarten or grade 1 through grade 12 together with other types of reorganization which would constitute intermediate steps to the establishment of districts operating all grades through grade 12. The master plan may include consideration of grades 13 and 14 and the establishment of districts for the provision of an educational program for these grades.

3004. If a county committee fails to prepare and submit a master plan on or before September 15, 1963, the State Department of Education shall prepare the master plan for the

county, and shall, on or before September 15, 1965, submit it to the State Board of Education for its approval.

3005. Within one year after the approval of a master plan by the State Board of Education a county committee may make alterations in the master plan and submit such alterations to the State Board of Education for its approval.

3006. The State Board of Education may approve all or any portion of a master plan or alterations thereof submitted by a county committee. When the State Board of Education approves all or part of a master plan it shall notify the county superintendent of schools and the county board of supervisors of the county or counties involved.

3007. Any elections required to carry out the proposals of a master plan or alterations of the master plan shall be called and conducted by the county superintendent of schools of the county in which all or the greater portion of the area is situated at the time recommended by the county committee but shall be held within two years after the date upon which the State Board of Education notifies the county superintendent of its approval.

3008. The procedures contained in Chapter 10 (commencing with Section 3101) of this division shall be used in the study and preparation of the master plan. Nothing in this chapter shall prohibit a county committee from making plans and recommendations, as authorized by Chapter 10 of this division, prior to the time when the State Board of Education approves the master plan for the county.

3009. If the State Board of Education does not approve all or any part of a master plan submitted by a county committee the board shall so notify the committee setting forth the reasons for not approving and the nature of additional data or study which it deems necessary. The county committee shall thereupon reconsider the matter and resubmit a plan covering the area, the original plan for which was not approved, within six months from the date of the notice from the State Board of Education.

CHAPTER 10. OPTIONAL REORGANIZATION OF SCHOOL DISTRICTS BY ELECTORS

Article 1. General Provisions

3101. As used in this chapter "unified school district" means a unified school district formed under this chapter.

3102. As used in this chapter "reorganization" means the formation, annexation, transfer, uniting, unification, unionization, merger, division, transfer of territory, or change of boundaries, of school districts authorized by this code.

3104. Each county superintendent of schools, every other county officer, and officers or employees of any school district in any county shall furnish to the county committee any records, reports, documents, maps, or other data pertaining to

the survey of the area by the county committee and shall confer with the county committee concerning the problems of such county or portion thereof, when requested to do so by the county committee.

3105. If the reorganization of a school district under this chapter results in the relocation of district boundaries so that a portion of the students will not be residents of the district thereafter maintaining a school previously attended by the students, and if there is in the school an organized student body, the property, funds, and obligations of the student body shall be divided as determined by the augmented committee except that the share shall not exceed an amount equal to the ratio which the number of students leaving the school bears to the total number of students enrolled. The ownership of the property, funds, and obligations, which is the proportionate share of each segment of the student body, shall be transferred to the student body of the school or schools in which the students are first enrolled during the school year next succeeding the reorganization. Funds from devises, bequests, or gifts made to the organized student body of a school shall remain the property of the organized student body of that school and shall not be divided.

3106. An elementary school which has been included in a unified district because of a reorganization of districts under provisions of this chapter shall be maintained as an elementary school by the unified district unless discontinued as provided in this section. The governing board of the unified district may adopt a resolution or order to discontinue the elementary school at any regular or special meeting of the board and the order or resolution shall be in effect after 30 days unless within this period of time a petition is filed with the governing board requesting the continuance of the school signed by the parents or guardians of at least 10 or one-third, whichever number is the greater, of children of elementary school age, at the time of the petition. The signature of one parent is sufficient to represent all of the children of such parent. The parents or guardians eligible to sign such petition shall be residents within the boundaries of the component elementary school district which maintained the school prior to the establishment of the unified school district and shall be qualified electors within such district at the time the petition is filed. If a school is discontinued as herein provided the governing board of the unified school district may maintain the building for community and civic center and other lawful purposes.

3107. The county committee shall prepare and submit to the Superintendent of Public Instruction, upon his request, a report and recommendations respecting the urgency of need for school plant facilities, the kind and extent of the facilities required, and the development of improved local school administrative units and attendance areas in the case of school districts that seek state assistance in providing school plant facilities.

3108. The formation of a unified school district shall be deemed a unification of school districts within the meaning of Sections 13321 and 13322.

3109. Any employee, other than special teachers, whose assignment to duties is on a districtwide level and requires certification qualifications, and any principal, in any school district, which district is included in whole in a unified school district, shall continue as an employee of the unified school district under the terms of his then current contract; providing that the term of such employment shall not be less than two years; and provided also, that the governing board of the unified school district may make any reasonable reassignment of his duties.

If any school district is included in part in a unified district any employee, other than special teachers, in a position requiring certification qualifications and whose assignment to duties is on a districtwide level may elect to remain an employee of the original district or to become an employee of the unified district and accept employment as provided in the first paragraph of this section.

If all of the territory of any school district becomes part of two or more unified districts and the inclusion in the two or more unified districts of the several portions of territory comprising the whole of such district is effective for all purposes upon the same date, any principal shall continue as an employee of the unified district in which the school to which he was assigned is included, and any employee, other than special teachers, in a position requiring certification qualifications and whose assignment to duties is on a districtwide level shall continue as an employee of one of the unified districts in which a portion of the former district is included, at the election of such employee. Continued employment shall be under the terms of the employee's current contract; providing that the term of such employment shall not be less than two years; and provided also, that the governing board of the unified school district may make any reasonable reassignment of his duties.

3110. All provisions of this code relating to unified school districts not in conflict with, or inconsistent with this chapter apply to unified school districts formed under this chapter and are hereby made a part of this chapter with the same force and effect as though set forth in this chapter as a part hereof.

Article 2. Statewide Survey of School Districts

3131. The State Board of Education shall:

(a) Determine policies for, direct, and govern a statewide survey of all school districts for the purpose of effecting feasible unifications or other reorganizations of school districts.

(b) Approve plans formulated by county committees for the unification or other reorganization of school districts prior to the submission of the plans to the people of the areas affected for approval.

(c) Establish standards which shall be applied in approving plans for the unification or other reorganization of school districts.

(d) Utilize the resources, records, and personnel of the State Department of Education, whenever advantageous in carrying out the provisions of this chapter.

Article 3. County Committee on School District Organization

3161. There is continued in existence in each county, except a county which is also a city and county, a county committee on school district organization. Each county committee shall be composed of an odd number of members not less than 5 nor more than 11 qualified electors of the county. The number of members of the county committee in each county shall be determined by the representatives of the governing boards of all school districts of the county or the county superintendent of schools, as provided in this article.

3162. If all of the territory of a county under the jurisdiction of the county superintendent of schools of the county is included in one unified school district the governing board of the unified school district shall constitute the county committee.

3163. Except as provided in Section 3162, if there are less than six districts under the jurisdiction of the county superintendent of schools of the county, he shall determine the number of, and appoint, the members of the county committee.

3164. In every county with six or more school districts under the jurisdiction of the county superintendent of schools of the county, a majority of the representatives of the governing boards, provided for in Section 932.1, at their annual meeting shall determine the number of, and elect, the members of the county committee and may change the number of members of the county committee. No action to elect, or change a number of, members of a county committee shall be taken at an annual meeting unless a quorum of the representatives is present.

An annual meeting of the representatives shall be called by the county superintendent of schools which shall be held between October 1 and December 1. Notice of the meeting shall be deemed sufficient and complete when deposited in the United States mail with postage prepaid, addressed to the clerk or secretary of the governing board of each district.

If the representatives fail to elect members of the county committee, the county superintendent of schools shall appoint the members.

3165. If the number of districts in a county with six or more districts decreases to less than six, Section 3162 or 3163, as the case may be, shall apply or if the number of districts in a county with less than six districts increases to six or more, Section 3164 shall apply. Each member of the county commit-

tee of a county in which such a change occurs shall serve out his term of office.

3166. Neither the county superintendent of schools nor any member of his staff nor any employee of a school district shall be a member of the county committee. At least one member of the county committee shall be elected from among the qualified electors of each county supervisorial district in the county.

3167. The term of office of each member of the county committee shall begin upon election or appointment and shall be for four years and until his successor is elected or appointed, as the case may be, and qualified. The terms of the members first selected shall be determined by lot so that as nearly as possible thereafter one-fourth ($\frac{1}{4}$) of the members shall be elected annually.

3168. Vacancies in the membership of the county committee are caused by the happening of any of the events specified in Section 1770 of the Government Code. In a county in which the members of the county committee are appointed by the county superintendent of schools, he shall fill any vacancies. In a county in which the members of the county committee are elected by the representatives of the governing boards, vacancies shall be filled by the remaining members of the committee or, if they fail to fill such vacancies with qualified electors within 60 days, by the county superintendent of schools.

3169. The members of the county committee shall serve without pay, but they shall receive their actual and necessary travel expenses incurred in the performance of their duties. The expenses shall be allowed by the board of supervisors, and be paid out of the county general fund.

3170. The county committee shall organize by electing from its membership a chairman and a vice chairman. The county superintendent of schools shall act as the secretary of the county committee. Meetings of the county committee shall be held upon call of the chairman or of a majority of the members thereof. The first meeting of the county committee shall be held within 30 days after election or appointment on a call issued by the county superintendent of schools. A majority of the county committee shall constitute a quorum.

Article 4. Formulation of Plans and Recommendations for the Reorganization of Districts

3201. Each county committee shall study the school district organization of the county and shall, under the direction of the State Board of Education, formulate plans and recommendations for the unification or other reorganization of the school districts in the county or any portion thereof including, if necessary, a portion of one or more adjacent counties. It shall transmit the final plans and recommendations to the State Board of Education.

3202. On receipt of a petition signed by at least 10 percent or 250, whichever is the lesser, of the qualified electors residing

in any district for a consideration of unification or other reorganization of any area, the county committee shall hold a public hearing and determine, following such hearing, whether the committee shall study further the matter petitioned in the manner herein described in this chapter. If the petition involves territory already under study by the county committee, no further hearings shall be required.

The public hearing required by this section shall be called by:

(a) Sending a notice to the governing board of each school district involved at least 10 days prior to the hearing, and

(b) Posting a notice of the hearing as provided in Section 1343 or publishing a notice of the hearing as provided in Section 1344.

The notices shall contain information as to the time, place, and purpose of the hearing.

3203. The county committee may select all or any portion of the county to be studied for possible recommendations for reorganization. The territory selected may include portions of one or more adjacent counties.

3204. At any time, and from time to time, after the county committee has selected all or any part of the county for study for possible recommendation for reorganization and prior to the adoption by the augmented county committee of plans and recommendations for unification or other reorganization, a majority of the county committee as established in Section 3161 may change the territory selected for study for possible recommendation for reorganization.

3205. When the county committee has selected all or any portion of the county to be studied for possible recommendation for reorganization, the county committee shall be augmented as set forth below in this section for purposes of the study and the adoption of any plans and recommendations for reorganization of the territory selected:

(a) If the study is to consider a possible recommendation for reorganization other than for the formation of a junior college district, each member of the governing board of each school district included in whole or in part within the territory to be considered shall be included in the membership of the committee.

(b) If the study is to consider a possible recommendation for reorganization consisting of the formation of a junior college district, each member of the governing board of each high school district, unified district, and junior college district included in whole or in part within the territory to be considered shall be included in the membership of the committee.

(c) If the territory selected for study is changed pursuant to Section 3204, the membership of the augmented county committee is changed immediately thereafter to exclude the members of the governing boards of districts no longer included in the territory to be studied and to include on the augmented committee each member of the governing board of

each district newly included, in whole or in part, in the territory to be studied.

3206. The county superintendent of schools shall notify by letter each person included as a member of an augmented county committee and each person excluded as a member pursuant to Section 3205.

3207. For the purposes of constituting a quorum at the committee meetings, all of the members of the governing board of one school district attending the meeting shall count only as one member of the committee. For the purposes of voting upon a recommendation, each school district represented on the committee shall have only one vote and shall be entitled to vote only if the recommendation would affect that district. The district vote shall represent the decision of a majority of the members of the governing board of that district.

3208. Notice of each meeting of the augmented committee shall be mailed to all members appointed pursuant to Section 3205 by the county superintendent of schools at least 10 days prior to the date of such meeting.

3209. The augmented county committee shall adopt a tentative recommendation following which action it shall hold one or more public hearings in the area proposed for reorganization at least 30 days prior to submission of a final recommendation for unification or other reorganization to the State Board of Education. The public hearing shall be called in the same manner as specified in Section 3202.

3210. No final recommendation for reorganization to be submitted to the State Board of Education shall be made until the augmented county committee has adopted the recommendation by a majority of all entitled to vote and no such action shall be taken prior to the third meeting following the date when the members of the governing boards of all districts included in the recommendation have been members of the augmented committee nor prior to the public hearing specified in Section 3209.

3211. Prior to submitting plans and recommendations for the unification of a school district or districts to the State Board of Education, and for the purposes of Section 3294 the county committee shall notify, in writing, the board of supervisors of each county affected.

3212. When a county committee selects an area for study for possible recommendation for reorganization which includes territory of one or more school districts under the jurisdiction of the county superintendent of schools of another county, the county committee shall so notify the members of the county committee of such other county. Thereafter the members of the county committee of such other county shall be notified by mail of each public hearing or meeting of the county committee, or augmented county committee, at which the proposed reorganization will be considered at least 10 days prior to the day of such hearing or meeting.

3213. If plans and recommendations adopted by an augmented county committee propose changes in the boundaries or status of school districts under the jurisdiction of the superintendent of any adjacent county, the county committee of each such adjacent county shall be requested in writing to concur in the plans and recommendations.

If the county committee of an adjacent county concurs in the plans and recommendations, the concurrence shall accompany the recommendations transmitted to the State Board of Education.

If the county committee of an adjacent county fails to respond to the request for concurrence within 90 days of the date of the request, such failure shall be deemed to be a concurrence in the plans and recommendations.

If a county committee of an adjacent county does not concur in the plans and recommendations, it shall so notify the other county committee in writing and accompany the notification with plans and recommendations for the reorganization of school districts of its county including territory that would be affected by the plans and recommendations of the other county committee. After 60 days from the notification of nonconcurrence, if the county committees are still unable to agree upon plans and recommendations for reorganization of the territory, the county committees, or any of them, may submit plans and recommendations to the State Board of Education and the board may approve or reject the plans, or any of them, in the same manner as other plans and recommendations.

Article 5. Contents of Plans and Recommendations

3252. In any county in which property representing more than 35 percent of the total assessed valuation of property in the county is situated in one elementary school district with an average daily attendance of less than 1,500, the county committee may formulate plans for the establishment of a countywide unified school district. The proposal shall contain a provision for division of the county into trustee areas of an odd number not to exceed 15.

The governing board shall consist of one member from each trustee area to be elected at large by the electors of the county. The terms of office of the members of the first governing board shall be determined by lot, and shall be staggered so that as nearly as possible an equal number of terms shall expire on June 30th of each year. Except for members of the first governing board, the term of office shall be four years.

3253. The plans and recommendations formulated by the augmented county committee may include recommendations with reference to the location of school building or buildings after reorganization is accomplished. Suggestions made in accordance with this section shall not be considered a part of the reorganization proposition to be voted upon at the election for

the adoption or rejection of the plans and recommendations of the county committee.

3254. In any proposal for unification recommended by an augmented county committee, the augmented county committee may include a provision for a governing board of either five or seven members and may include a provision for trustee areas In establishing trustee areas each augmented county committee shall provide for representation in accordance with population and geographic factors of the entire area of the unified school district. As many trustee areas as needed, not to exceed seven, may be established. The augmented county committee shall designate the number of members of the governing board to be elected from among the registered voters of each trustee area so that a governing board of either five or seven members is provided. If the committee includes a provision for trustee areas, it shall also include a provision for the election of members of the governing board by the registered voters of the entire school district or for the election of the member or members residing in each trustee area by the registered voters of that particular trustee area.

Provisions regarding the number of trustees or trustee areas and the election of trustees by the district at large or by the registered voters of each particular trustee area shall be considered as an inherent part of the proposal and not to be construed as a separate proposition. A provision for trustee areas shall indicate the boundaries of the proposed trustee areas.

3255 In any proposal for unification recommended by an augmented county committee, the committee may include a provision for the authorization of a maximum tax rate for the proposed unified district. Such provision shall be considered an inherent part of the proposal and shall not be construed as a separate proposition. If the unification is approved by the registered voters of the area, such tax rate shall be the maximum tax rate for the unified district in lieu of any rate specified in Section 20751 until changed by the registered voters of the district in the manner prescribed in Section 20803. The tax rate established by the augmented county committee shall not be less than the tax rates for a unified district provided in Section 20751 nor more than a rate which would produce revenue for the proposed unified district equal to the sum of the revenue of each of the districts proposed to be wholly or partially included therein had the maximum allowable tax rate been in effect in each such district during the school year immediately preceding the date upon which the unification would be effective for all purposes.

3256. The augmented county committee may propose a maximum tax rate in excess of that provided in Section 3255 as a separate proposition for which a ballot of a different color shall be provided. The ballot shall contain substantially the words "shall the maximum tax rate of the proposed new district be _____ per one hundred dollars ($100) of assessed

valuation." Opposite such words in separate lines, the words "yes" and "no" shall be printed with a voting square opposite each word. In event the committee proposes a maximum tax rate under the provisions of both this section and Section 3255 the rate proposed under this section shall be the maximum tax rate for the district if a majority of votes cast are in favor of the proposition.

3257. The plans and recommendations formulated by the augmented county committee may include recommendations for the assumption by any new school district the formation of which is recommended by the augmented county committee of all or any part of the bonded indebtedness of any existing school district included in whole or in part in the new school district.

3258. The augmented county committee may propose plans and recommendations which include either one or both of the following provisions:

(a) Plans for the use of the school property of the districts proposed to be wholly or partially included in a new district, as provided in Sections 3260, 3347, and 3348.

(b) Plans for dividing the property, other than real property, of any school district proposed to be divided between two or more school districts, or proposed to be partially included in one or more school districts.

3259. The plans and recommendations formulated by an augmented committee may provide for the division of funds, obligations, other than bonded indebtedness, and property, other than real property, of a district whose territory is proposed to be divided. In providing for this division, the committee may consider the assessed valuation of each portion of the district, the number of children of school age residing in each portion of the district, the value and location of the school property, and such other matters as the members of the augmented committee deem important and pertinent.

3259.1. During the first fiscal year of the existence of a newly formed unified school district, including districts which became effective for all purposes on July 1, 1953, under the provisions of this chapter the county superintendent of schools having jurisdiction over the districts affected shall draw his requisition upon the county auditor to the credit of the districts affected in the amounts necessary to accomplish the division of funds required by, as the case may be, Section 3259 or 3262.

3260. When the county committee includes in its plans and recommendations proposals for the use of the school property of the component districts as provided in Sections 3258 and 3347, such proposal shall be deemed to be an integral part of the plans and recommendations, and a favorable vote on the question of reorganization, as provided in Article 6 (commencing with Section 3291) of this chapter, shall be deemed to be a favorable vote upon the plans and recommendations as a whole.

3261. When the augmented county committee includes in its plans and recommendations proposals for the division of the school property of an existing district under Sections 3258 and 3259, the plans and recommendations may require the incurring of a bonded indebtedness in any district or portion of a district remaining upon the unification or other reorganization in order to provide funds to equalize the division of school property among the newly reorganized districts. The total amount of bonds required may be in excess of the limitation provided in Sections 21702 and 21704.

3262. When the augmented county committee includes in its plans and recommendations proposals for the division of the school property of an existing district under Sections 3258 and 3259, the proposal shall be deemed to be an integral part of the plans and recommendations and, except as provided in this section, a favorable vote by a majority of the voters on the question of reorganization, as provided in Article 6 (commencing with Section 3291) of this chapter, shall be deemed to be a favorable vote upon the plans and recommendations as a whole.

If the plans and recommendations require the incurring of a bonded indebtedness in any district or portion of a district remaining upon the unification or other reorganization in order to provide funds to equalize the division of the school property among the newly organized districts, then the proposition for the incurring of the bonded indebtedness shall be submitted as a separate proposition to the electors of the district or portion thereof which is to incur such indebtedness at the same election at which the proposition of approving the plans and recommendations is submitted to vote of the electors of the proposed unified or otherwise reorganized districts. A ballot of a different color shall be used for such proposition at the election. The plans and recommendations shall not be deemed to have been approved unless the proposition of incurring such indebtedness is approved by two-thirds ($\frac{2}{3}$) vote of the voters of the district or portion thereof which is to incur the indebtedness voting on such proposition at the election.

The proceedings for the issuance and sale of the bonds shall be taken in substantial conformity with the provisions of Sections 21701 to 21800, inclusive, and Sections 21803 to 22152, inclusive, except that the bond election shall be called and canvassed by the county superintendent of schools and the proposition submitted thereat shall be

"Shall _____ District incur a bonded indebtedness in the aggregate principal amount of $_____ for the purpose of paying its share of the equitable adjustment resulting from the reorganization of said school district?"

3263. If the plans and recommendations of a county committee for an area provide for the exclusion of territory from a school district, the county committee shall determine if as to that district the election shall be held only in such territory.

The election shall be held in the district or portion thereof in accordance with such determination.

Article 6. Approval and Adoption of Plans and Recommendations

3291. After the State Board of Education has approved the plans and recommendations for the unification or other reorganization of the school districts in any area, the secretary of the State Board of Education shall give notice of the approval to the county superintendent of schools having jurisdiction over any of the districts whose boundaries or status would be affected by the reorganization as proposed.

3292. When a county committee submits a proposal providing for a reorganization of districts other than the formation of a new district, the approval of the proposal by the State Board of Education shall be deemed to be the filing of a verified petition with the county superintendent of schools, as required by other chapters of this division, and the proposed reorganization of districts shall then be acted upon in accordance with the applicable provisions of other chapters of this division, except that not less than 30 days prior to action by the State Board of Education the county committee shall conduct a public hearing as provided in Section 3209. After approval by the State Board of Education, the county superintendent of schools shall set the matter for hearing or for an election to decide the adoption or rejection of the proposal.

3293. Except as otherwise provided in Section 3263, the county superintendent of schools shall call, hold, and conduct, in the manner prescribed in Division 4 of this code, a special election in the elementary school district or unified school district, or districts included in whole or in part in the plans and recommendations of the county committee or committees for the formation of a unified school district for the purpose of adopting or rejecting the plans and recommendations.

3294. The election required by Section 3293 shall be held in the school year in which the county superintendent of schools was given notice of the approval of the plans and recommendations by the State Board of Education, except that if the notice is not received on or before May 1, the election may be held during the following school year.

If the notice to the board of supervisors required by Section 3211 is not given on or before April 1 of the school year preceding notice by the State Board of Education under Section 3291, and if funds are not available for the conduct of the election, the board of supervisors of any such county may require the county superintendent of schools charged with the duty of holding the election on such plans and recommendations to postpone the holding of the election until on or after July 1 of the school year following the notice required by Section 3211.

3295. At least 10 days prior to the election the county committee or committees shall hold one or more public hearings within the area included in a proposal for unification. The county committee or committees may designate any member to hold and conduct any public hearing required to be held. The hearing shall be called by the county superintendent of schools, who shall post a notice of the hearing as provided in Section 1343 or publish a notice of the hearing as provided in Section 1344.

3296. The county superintendent of schools calling such election shall cause to be prepared and distributed, at least 10 days prior to the election, to each registered voter in each such district or portion of a district, as the case may be, in which the election is to be held a copy of the recommendations of the county committee. The copy of the recommendations shall include any proposal made in accordance with Section 3254.

3297. The county superintendent of schools calling the election shall cause to be prepared and distributed a statement setting forth arguments for and against the recommendations of the county committee. The arguments shall not exceed 500 words. The argument in favor of the recommendations shall be prepared by the chairman of the county committee, or by a proponent of the recommendations designated by the chairman. The argument against the recommendations shall be prepared by a member of the county committee who voted against the recommendations, or, if there be none, by an elector designated by the county superintendent of schools who has appeared before the committee or at a public hearing in opposition to the recommendations.

3298. The cost of preparation and distribution of the statement setting forth the arguments in favor of, and those opposed to, the recommendations of county committees and the cost of any election held hereunder shall be a charge against the general fund of the county in which the elementary school district or unified district is situated. If such district is situated in more than one county, the cost shall be prorated against each county in the same proportion as the area of the district lying in such county bears to the total area of the district.

3299. Every qualified elector residing within the boundaries of each elementary school district or unified school district, or portion of district, as the case may be, in which the election is called shall be eligible to vote at such election.

3300. If the proposal for reorganization involves a question as to whether a countywide unified school district shall be established, the proposal may be submitted at a special election or at an election consolidated with a general, county or state election. If so consolidated, the polling places shall be those used in the general election.

3301. If the recommendations of the county committee include a recommendation made pursuant to Section 3257, an ad-

ditional ballot shall be used at the election on the question of assumption of indebtedness and such additional ballot shall be of a different color than the ballot on the question of unification.

If the plans and recommendations of the county committee include a proposal for a maximum tax rate pursuant to Section 3256 or a proposal for the issuance of bonds by a district or part of a district remaining upon the unification or other reorganization to provide funds to equalize the division of school property pursuant to Sections 3258, 3259, and 3262, or both such proposals, a separate ballot for each such proposal shall be provided and each ballot at the election shall be of a different color.

3302. The words to appear upon the ballots used for voting upon the adoption or rejection of the plans and recommendations of the county committee with respect to the unification of school districts shall be "Unification of school districts—Yes," and "Unification of school districts—No," or words of similar import. If the county committee made a proposal for trustee areas in accordance with Section 3254 such proposal shall be considered a part of the reorganization proposition to be voted upon and the ballot shall include wording to that effect.

The words to appear upon the ballots used for voting upon the adoption or rejection of the plans and recommendations of the county committee made pursuant to Section 3257 with respect to the assumption of bonded indebtedness by any school district created as a result of the unification of school districts recommended by the county committee shall contain the words "Assumption of bonded indebtedness—Yes" and "Assumption of bonded indebtedness—No" or words of similar import.

The words to appear on the ballots used for voting upon maximum tax rate or the issuance of bonds to equalize a division of property shall be in accordance with Section 3256 or 3262, as the case may be.

3303. Upon the completion of the canvass of the election returns and the absentee ballots the county superintendent of schools shall tabulate such returns and the absentee ballots and notify the board of supervisors of the number of votes cast for, and the number of votes cast against, the unification of school districts in each elementary school district or unified school district and also the total number of votes cast for, and the total number of votes cast against, the unification of school districts.

3304. Except as otherwise provided in Section 3262 and in this section, when a majority of all the votes cast are cast in favor of the unification, the proposal carries. If the voters in one district, or portion of a district, cast a majority of all the votes cast at the election, then, the proposal must carry by a majority in such district, or portion of a district, and, in addition, by a majority of the combined votes of all the other districts or portion of districts, as the case may be, concerned.

3305. If two-thirds of all the votes cast in each district at the election on the question of the assumption of bonded indebtedness by a school district created as the result of the unification of school districts recommended by the county committee are cast in favor of the assumption of such bonded indebtedness, the district created shall be liable for the assumption of such bonded indebtedness.

3306. If the plans and recommendations of the county committee are rejected by the voters, the county committee shall resurvey the territory in the manner hereinbefore provided and make plans and recommendations.

When the new plans and recommendations are identical with those previously submitted, the augmented county committee, without resubmitting the plans to the State Board of Education, may determine that a second election shall be held thereon not later than a year from the previous election. The county superintendent of schools shall thereupon call and conduct an election as provided in this article.

When the new plans and recommendations are not identical with those previously submitted to the State Board of Education, or when they are identical but the augmented county committee does not make the determination referred to above in this section, the county committee shall transmit the new plans and recommendations to the State Board of Education. If the State Board of Education approves the new plans and recommendations, the county superintendent of schools shall thereupon call and conduct the election as provided in this article.

Article 7. Tax Rates, Property, Funds, and Obligations of Unified and Reorganized Districts

3341. If a proposal for the assumption of bonded indebtedness is approved by the voters the assumption shall become effective on the same date as the unification of the school districts becomes effective

3342. If bonds are authorized to be issued pursuant to Section 3262 by a district or portion of a district remaining upon the unification or other reorganization in order to provide funds to equalize the division of the school property among the newly reorganized districts, the county superintendent of schools shall certify to the board of supervisors of the county whose superintendent of schools has jurisdiction over the district, all proceedings had in the premises and the board of supervisors shall cause the bonds to be issued and sold as provided in Sections 21701 to 21800, inclusive, and Sections 21803 to 22152, inclusive, except that the proceeds of sale of the bonds shall be deposited to the credit of the reorganized district entitled to the proceeds pursuant to the plans and recommendations providing for the division of school property and incurring of bonded indebtedness referred to in Sections 3258, 3259 and 3261.

3343. The bonded indebtedness of any district included as a whole in a unified school district outstanding at the time of unification shall, except as otherwise provided in this chapter, remain an obligation of the district so included.

3344. Each district included in whole in a unified school district formed under this chapter the boundaries of which are not coterminous with the unified school district in which it is included shall be continued in existence for the purpose of retaining liability for the bonded indebtedness of such district.

3345. Each district included in whole in a unified school district formed under this chapter, the boundaries of which are coterminous with the unified school district in which it was included, shall cease to remain in existence and the liability for the bonded indebtedness of such district shall become the liability of the unified school district.

3346. Except as provided in Section 3348 all property, funds, and obligations of a district included in whole in a unified school district, other than the bonded indebtedness thereof as provided in this article, and other than funds derived from the sale of bonds issued by the included district, shall become the property, funds, and obligations of the unified school district. Any funds derived from such bonds issued by the included district shall be expended by the governing board of the unified district either for the retirement of the bonds or for the acquisition of school property only in the area comprising the included district.

3347. Any unified or otherwise reorganized district which includes at the time of unification or other reorganization under this chapter any district having outstanding bonded indebtedness shall pay, in accord with proposals made under Sections 3258 and 3260, for the use of the school property of the included district acquired or constructed from the proceeds of its own bonds, an annual charge to the account of such included district, to be administered as a trust fund by or under the direction of the county superintendent of schools. The annual charge shall be equal to the annual amount required for the interest and redemption of the bonds.

The county superintendent of schools may apply the annual charge to the interest and bond redemption of the included district or use it for any other lawful purpose for the use and benefit of the area comprising the included district.

The governing board of any unified school district shall include in its annual budget an amount equal to the annual charge. If it fails to do so, the county superintendent of schools shall add the amount to the budget submitted by the governing board.

The county board of supervisors shall include in the annual tax to be levied upon the assessed valuation of the unified district a tax sufficient to provide for the annual charge. The tax may be at a rate in excess of the maximum rate provided in Section 20751. While the annual charge is in effect, the board

of supervisors need not levy a tax on the assessed valuation of the included district for its interest and bond redemption if the amount of the annual charge upon the unified district is sufficient for and is actually used for the interest and bond redemption.

The annual charge shall continue for the entire period during which any bonded indebtedness is outstanding against any included district. Upon the retirement of the entire bonded indebtedness of the included district the charge shall cease to accrue, and the school property of the included district shall become the property of the unified district.

3348. Any unified or otherwise reorganized district acquiring the use of school property under Section 3347 shall fully maintain the property and keep it in repair during the period of its use by the unified district. The cost of the maintenance shall be a lawful charge against the funds of the unified district.

Any school property acquired or constructed by any district included in a unified or otherwise reorganized district as a result of the sale of the bonds of the included district shall remain its property until the bonds are retired.

3349. Where any unified or otherwise reorganized district located entirely within one county which was unified or otherwise reorganized between January 1, 1950, and January 1, 1952, which included at the time of unification or other reorganization any district or districts having any outstanding bonded indebtedness, and no proposals were made under Sections 3258 and 3260 for the use of the school property of such included district or districts, the board of supervisors of the county may, within 60 days after July 1, 1953, fix and determine the amount of the annual charge for the use of the school property of such included district or districts acquired or constructed from the proceeds of the bonds of such included district or districts. Such annual charge shall be in the amount and subject to the terms, provision, and conditions of Sections 3347 and 3348.

3352. If a recommendation is made for the unification of an area which is coterminous with a union high school district, or a city high school district, and if the voters of the high school district at an election prior to reorganization had voted a special tax for a specified period of years, the tax shall, if the unified district is subsequently established by the voters, be continued at the option of the governing board of the newly formed unified school district for only those purposes for which the tax was originally voted and for a period not to exceed the number of years for which the tax was previously authorized.

3353. If a recommendation is made for the unification of an area which is coterminous with an elementary school district and if the voters of the elementary school district at an election prior to the reorganization had voted a district tax rate in excess of the maximum tax rate prescribed by Section 20751, the tax shall, if the unified district is subsequently established

by the voters, be continued at the option of the governing board of the newly formed unified school district for a period not to exceed the remaining number of years for which the tax was previously authorized. This section shall apply to unified districts in existence for all purposes on and after July 1, 1954.

Article 8. Dissolution of Unified Districts

3381. After three years from the effective date of its formation, a unified school district may be dissolved in the manner prescribed by this article.

3382. An action to dissolve a unified district is initiated upon the filing with a county superintendent of schools having jurisdiction over the district of a petition signed by 25 percent of the registered voters residing in the district. The petition shall set forth briefly the reasons for dissolution and pray that the question be submitted to the county committee of the county whose superintendent has jurisdiction over the district for study and recommendations.

3383. When a petition for dissolution is presented to the county superintendent of schools, he shall examine the petition and if he finds it to be sufficient and signed as required by law he shall transmit the petition to the county committee.

3384. When the county committee has received a petition for dissolution as provided in this article, the committee shall be augmented to include the members of the governing board of the unified district, and it shall study the district in the manner provided in Article 4 of this chapter.

3385. The augmented county committee shall study the territory included in the unified school district and shall formulate plans and recommendations to be submitted to the State Board of Education for the dissolution of the unified school district.

The State Board of Education shall act on the matter within 90 days of the receipt of the plans and recommendations of the county committee.

3386. The plans and recommendations of the county committee formulated pursuant to Section 3385 shall include the following:

(a) The description of each elementary or unified school district proposed to be established in the territory of the dissolved unified district.

(b) The inclusion of the territory of the dissolved unified district in a new high school district, unified districts or in an existing contiguous high school district or districts, or in an existing contiguous unified district or districts.

(c) Proposals for the division of property other than real property, funds, and obligations including bonded indebtedness of the unified district among the districts in which the territory is included.

Any real property used for elementary school purposes shall become the property of the elementary district in which it is

located following the dissolution. Any real property used for high school or junior high school purposes shall become the property of the high school district in which it is located following the dissolution.

The provisions of Section 21883 notwithstanding, the bonded indebtedness of the unified district shall become the bonded indebtedness of the elementary or high school districts in accordance with the plans and recommendations and shall be considered as bonded indebtedness of such districts for the purposes of determining the limitation of bonded indebtedness under Sections 21702 and 21802.

3387. After the State Board of Education has approved the plans and recommendations for the dissolution of the unified school district, the secretary of the board shall so notify the county superintendent of schools having jurisdiction of the district. Thereupon the county superintendent of schools shall call and conduct a special election in the unified school district in the manner prescribed by Article 6 (commencing with Section 3291) of this chapter, except that the ballots used for voting upon the adoption or rejection of the plans and recommendations of the county committee shall have printed on them the words "For dissolution—Yes" and "For dissolution—No."

3388. If a majority of all the votes cast at the election is opposed to dissolution, no further petition shall be entertained or election ordered for a similar purpose within three years following the election.

3389. When a unified district is dissolved pursuant to this article, all property of the district, together with any money in the treasury to the credit of the dissolved district, shall be transferred to the credit of the newly formed school districts that composed the dissolved district in accordance with the plans and recommendations of the county committee. Within 30 days after the dissolution of the unified school district becomes effective for all purposes, the county auditor of the county whose superintendent of schools has jurisdiction over the district shall determine the balance of the funds standing to the credit of the dissolved unified school district as of the effective date of such dissolution. Thereupon he shall transfer from the general fund of the unified school district to the general fund of each of the newly established districts such sums as may be necessary to give effect to the plans and recommendations of the county committee. With respect to property other than funds of the district, the board of supervisors of the county whose superintendent of schools has jurisdiction of the unified school district shall make such orders as may be necessary to give effect to the plans and recommendations of the county committee.

SEC. 4.1. Section 657 is added to said code, to read:

657. The rules governing the school in a joint district shall be those adopted by the board of education of the county in which the schoolhouse in the joint district is located.

SEC. 4.5. Section 812 of said code is amended to read:

812. The county superintendent of schools of any county may, with the approval of the State Compensation Insurance Fund, insure the liability for compensation of any school districts under his jurisdiction, the governing boards of which consent thereto, with the State Compensation Insurance Fund under one policy or contract of insurance and pay the premium for the insurance from the county school service fund. Immediately following the payment of the final premium the county superintendent of schools shall transfer from the funds of each insured district to the county school service fund an amount which bears the same ratio to the premium as the payroll of each district bears to the total payroll of all the insured districts.

Any dividends earned on the premiums paid under the provisions of this section shall be credited to the individual districts in proportion to the amount of the premium charged to each district.

The expenses of the county superintendent of schools incurred under this section shall be charged to and paid from the county school service fund, which fund shall be reimbursed for such expenses from the general funds of the school districts on whose behalf the expenditures are incurred.

SEC. 5. Section 812.5 is added to said code, to read:

812.5. Whenever any school district is situated partly within two or more counties, jurisdiction over it is, unless otherwise provided in this code, in the county superintendent of schools of the county in which the schoolhouse of the district is located, or, if there be a schoolhouse of the district in each of two or more counties, jurisdiction over the district is in the county superintendent of schools of the county in which the greatest area of the district lies.

SEC. 6. Section 820 is added to said code, to read:

820. The county superintendent of schools with the approval of the county board of education may subscribe for membership in any society, association, or organization which has for its primary purpose the promotion and advancement of public or private education, subject to the same restrictions as are imposed in Section 1072 of this code on governing boards of school districts respecting such subscriptions.

SEC. 7. Chapter 3 (commencing with Section 871) is added to Division 3 of said code, to read:

CHAPTER 3. COUNTY BOARDS OF SUPERVISORS

871. Except as provided in Sections 1681 to 1686, inclusive, all actions required by this code to be taken by the board of supervisors of the county in which a school district is located, shall, in the case of any joint school district, be taken by the concurrent action of the boards of supervisors of each county in which any part of the joint district is located.

SEC. 7.1. Section 2592 of said code is amended and renumbered to read:

17556. When a junior college district is formed pursuant to Article 3 (commencing with Section 2551) of Chapter 6 of Division 5 of this code to include all of the territory of a high school district or a unified district, no apportionment of funds from the State School Fund shall be made to the high school district or the unified district on account of pupils attending junior college in such district during the school year in which the new junior college district becomes effective for all purposes or thereafter.

SEC. 8. An article heading is added to Chapter 1 of Division 6, preceding Section 5001, of said code, to read:

Article 1. The Public Schools

SEC. 9. Article 2 (commencing with Section 5011) is added to Chapter 1 of Division 6 of said code, to read:

Article 2. Maintenance of Schools

5011. The governing board of any elementary school district shall maintain within the boundaries of the district at least one elementary day school.

5012. The governing board of any high school district shall maintain within the boundaries of the district at least one four-year high school or one senior high school and one junior high school, as provided in Section 5652 of this code.

5013. Each unified school district shall maintain classes at least in grades 1 through 12.

5013.1. Whenever any unified school district maintains classes in elementary grades and provides for the high school education of the pupils of the district who reside in the district by the attendance of such pupils at the schools of a school district in an adjoining state pursuant to Section 10815 or Article 2 (commencing with Section 20151), Chapter 1 of Division 15, such unified school district shall be deemed to have complied with the requirement of Section 5013 that every unified school district shall maintain classes at least in grades 1 through 12.

5014. Each junior college district shall establish and maintain at least one junior college, as provided in Section 5702 of this code.

5015. The governing board of any school district shall maintain all of the elementary day schools established by it, and all of the day high schools established by it, with equal rights and privileges as far as possible.

SEC. 10. Article 3 (commencing with Section 5021) is added to Chapter 1 of Division 6 of said code, to read:

5021. Except as provided in this article, any regular day school required to be maintained by the governing board of any school district shall be maintained within the boundaries of the district.

5023. Whenever the governing board of a school district is unable to maintain the school or schools in the district because of its inability to secure a teacher or teachers, the board may, with the approval of the county superintendent of schools having jurisdiction and the Superintendent of Public Instruction maintain the school or schools of the district elsewhere than within the district or contract for the education of the pupils of such school or schools with the governing board of another district.

5024. Whenever a school building or buildings of a school district are or have been destroyed, or made unusable through any cause for the maintenance of school, and the Superintendent of Public Instruction is satisfied no suitable quarters for the school can be or could have been obtained within the district, he may authorize the governing board of the district to maintain a school elsewhere than within the district or to contract for the education of the pupils of such district with the governing board of another district.

5025. The governing board of any school district, may establish and maintain outside of the boundaries of the district, for persons in the service of the United States or of the State assigned to, or serving at any camp, post, or other place under the jurisdiction of the United States or of the State, or for persons employed or living on any such camp, post, or other place, or for persons evacuated from the district by order of any military officer of the United States or of the State, to meet an emergency created by war, or of any civil officer of the United States, the State, or any county, city and county, or city authorized to order such evacuation to meet an emergency created by war, and for the children or wards of such persons any schools or classes which the board may lawfully establish and maintain within the boundaries of the district.

The governing board of the district shall not maintain any school or class for other than persons and their children or wards evacuated from the district, under the provisions of this section in any other school district without the consent of the governing board of the other district.

5026. The governing board of any school district situated in a county with a population of 228,309 or more may enter into an agreement with the federal government in the form of a term special use permit whereunder the school district is authorized to construct, maintain and operate school buildings and facilities upon National Forest Service land. Such agreement shall be for a term of twenty (20) years or more, unless sooner terminated by the federal government. Subject to the approval of the Superintendent of Public Instruction, such agreement shall be on such terms and conditions as may be agreed upon between the governing board of the school district and the agency of the federal government executing such agreement.

All acts and proceedings heretofore undertaken by the governing board of any school district under any law, or under

color of any law, pursuant to any such agreement or term special use permit whereunder the school district has constructed, or operated and maintained, or both, school buildings and facilities are hereby validated and declared legally effective.

5027. Notwithstanding any other provision of this code to the contrary, whenever under the provisions of Section 310 of the act of Congress entitled, "An act relating to the construction of school facilities in areas affected by federal activities, and for other purposes" (Public Law 815—81st Congress), or under any similar provisions of any other act of Congress, school facilities are constructed by any agency of the federal government on federal property for the education of children residing on property owned by the federal government, the governing board of the school district in which such facilities are located or the governing board of any adjacent school district, with the approval of the Superintendent of Public Instruction, may make arrangements with the agency of the federal government to maintain school in such facilities. The children residing on such federal property and attending such school shall be deemed to be residents of the district maintaining such school.

5028. The maintenance of a school by a district outside the boundaries of the district as provided in Sections 815, 5001, 5015, and Sections 5023 to 5025, inclusive, of this code, shall be deemed for all purposes to be or have been the maintenance of a school within the boundaries of the district.

5029. The making of a contract by the governing board of a district as provided in Sections 815, 5001, 5015, and Sections 5023 to 5025, inclusive, of this code, shall be deemed to be or have been the maintenance of a school within the boundaries of the district except that the attendance of the pupils under such contract shall be reported by, and allowances because of the attendance of pupils under such a contract shall be made to, the district of attendance. For the purposes of Sections 1817 to 1885, inclusive, of this code, the average daily attendance of the district in which such pupils reside who are educated under such contract shall be the average daily attendance of the pupils educated under such contract.

5030. The governing board of a unified school district coterminous with the boundaries of a city and county, may conduct classes for wards of the juvenile court of said city and county, and acquire the necessary property and erect the necessary buildings therefor, outside of the boundaries of the said school district.

SEC. 11. Section 5031 is added to said code, to read:

5031. The governing board of any district maintaining a junior college may enter into agreements with any agency of the federal government for the construction of housing and other educational facilities for students and faculties of a junior college maintained by the district if the governing board determines that the income, rent and charges for the use of

the facilities will be sufficient in amount to repay the principal and interest on the amount secured from the federal government for the construction of the facilities. Whenever necessary to secure the full benefits of any federal statutes pertaining to loans or grants to educational institutions for housing and other educational facilities, the governing board may give such security as may be required and may comply with such conditions as may be imposed by the federal government.

SEC. 12. Section 5251.1 is added to said code, to read:

5251.1. Kindergartens may be maintained by the governing board of a unified school district. The kindergartens maintained by an elementary school district at the time it became a part of the unified school district shall be continued, except that the kindergartens may be discontinued or additional kindergartens may be established as prescribed in this code. In any elementary school district or portion of elementary school district included in a unified school district, in which a kindergarten was not maintained at the time of the merger of the elementary school district or portion of elementary school district into a unified school district, a kindergarten may be established by the governing board of the unified school district as provided in this code.

SEC. 13. Section 5557 is added to said code, to read:

5557. The governing board of a district maintaining a secondary school may pay the costs of accreditation of the secondary school by any accrediting association.

SEC. 14. Section 5602 of said code is amended to read:

5602. The governing board of a county, a union, or a joint union high school district may establish a junior high school or a system of junior high schools only when a majority of the boards of trustees of the elementary school districts comprising the high school district approve the organization of the course in writing, and file a statement of approval with the high school board, or, when at an election called for that purpose a majority of the qualified electors voting thereat vote in favor of the junior high school. Upon the order of the governing board of the high school district, the election shall be called and conducted by the county superintendent of schools having jurisdiction over the high school district, in the manner provided for school elections in Chapter 6 of Division 4 of this code. The ballots used at the election shall contain the words "Junior High School—Yes" and "Junior High School—No" with suitable spaces so that the voter may clearly indicate his choice in the matter.

SEC. 15. Section 5603 of said code is amended to read:

5603. The governing board of any high school district comprising a single elementary school district and not governed by a city or city and county board of education may establish a junior high school or junior high schools when at an election called for that purpose in the same manner as the election for the formation of the high school district, a majority of the qualified electors voting thereat vote in favor thereof. The bal-

lots used at the election shall contain the words "Junior High School—Yes" and "Junior High School—No."

SEC. 16. Section 5904 is added to said code, to read:

5904. The duties, powers, purposes, responsibilities, and jurisdiction of the governing board of any high school district with respect to any high school established in the district prior to August 14, 1929, and not supported in whole or in part by any funds derived from the levy of any district tax may, with the approval of the State Board of Education, acting upon the recommendation of the Superintendent of Public Instruction, be transferred to the Chief of the Division of Vocational Education in the State Department of Education who may appoint any qualified person to exercise immediate supervision over the school.

SEC. 17. Section 7155 is added to said code, to read:

7155. The clerk or secretary of the district, if there is no district librarian, shall place in the library of the school all materials of suitable nature received by purchase or otherwise for the school district.

SEC. 18. Section 9252 of said code is amended to read:

9252. County boards of education, except in cities having a city board of education, may enforce in the public schools the use of a uniform series of textbooks. The textbooks to be used, in a joint district, shall be those adopted by the board of education of the county in which the schoolhouse in the joint district is located.

SEC. 19. Section 11805 is added to said code, to read:

11805. The governing board of any school district may enter into a contract with a mental health clinic or child guidance clinic for the furnishing to the district by the clinic of mental health services for the pupils of the district. The terms and conditions governing the providing of such services shall be set forth in the contract. No payment shall be made by the district for services performed by persons who do not possess a credential issued by the State Board of Education covering such service. When the conditions of the contract have been fulfilled, the cost of services rendered pursuant to such contract may be paid from the funds of the district. The governing board of any city, county, or district which maintains a public mental clinic or child guidance clinic is authorized to enter such an agreement.

SEC. 20. Section 13702 of said code is repealed.

SEC. 21. Section 13704 of said code is repealed.

SEC. 22. Section 13702 is added to said code, to read:

13702. Upon written petition of qualified electors not less in number than 10 percent of the number voting in the last election for a member of the governing board, the governing board receiving the petition shall: (1) order the county superintendent of schools having jurisdiction to submit the question of adopting or terminating a merit system as provided in this article to the voters of the district at a special election; or (2) order the county superintendent of schools to place the ques-

tion of adoption or termination of the merit system on the ballot at the next regular governing board member election.

SEC. 23. Section 14552 of said code is amended to read:

14552. The proposition of establishing the plan may be submitted to the electors of the district at any general or special election called and held in the district, and governing boards of school districts desiring to submit the proposition to the electors of their respective districts are authorized to order the elections, which shall be called and held in accordance with the provisions of Chapter 6 of Division 4 of this code.

SEC. 24. Section 14702 of said code is amended to read:

14702. The proposition of establishing the plan may be submitted to the electors of the districts at any general or special election called and held in the districts, as the governing boards of the districts may determine. The governing boards of the school districts may order the elections which shall be called and held in accordance with the provisions of Chapter 6 of Division 4 of this code.

SEC 25. Section 15006.1 is added to said code, to read:

15006.1. At any time after the appointment or election of the board of trustees of a union or joint union school district, and the naming of the school district, the board may secure an option to purchase land for school purposes and may call a bond election for any of the purposes for which elementary school district bonds may be issued. The board may proceed thereafter in accordance with the provisions of this code governing the issuance of elementary school district bonds, with the same effect as though control of the property of the union or joint union district had already been vested in them.

SEC. 26. Section 15008 is added to said code, to read:

15008. The governing board of any school district may:

(a) Rent suitable quarters for administrative offices for a period of not to exceed 22 years.

(b) Lease buildings and other facilities such as warehouses, athletic facilities, outdoor assembly facilities, auditoriums, quarters for adult education, and communication facilities for a period of not to exceed three years. At the expiration of such lease, the governing board may continue to renew the lease for a period not to exceed three years and may continue to renew for periods not to exceed three years as long as the buildings and other facilities are needed.

(c) Lease property from the federal government for the purpose of constructing school buildings and facilities thereon for a term not to exceed 99 years. Subject to the approval of the Superintendent of Public Instruction, such lease shall be on such terms and conditions as may be agreed upon between the governing board of the school district and the agency of the federal government executing such lease.

SEC. 27 Section 15009 is added to said code, to read:

15009. The governing board of a school district may acquire a site for a school building contiguous to the boundaries of the district and upon the acquisition of such site it shall be-

come a part of the district. The site shall not be acquired until the county committee on school district organization of the county or of each of the counties concerned, augmented as provided in Section 3205, has received the proposal for acquisition of the site and reported its recommendations thereon to the governing boards of the districts concerned and to each county superintendent of schools concerned. The report of the county committee shall be made within 60 days from the time the proposal for acquisition of the site was submitted to it.

A school site is contiguous for the purpose of this section although separated from the boundaries of the district by a road, street, stream, or other natural or artificial barrier or right-of-way.

SEC. 28. Section 15505 of said code is amended to read:

15505. If the district has not sufficient funds available to permit the governing board of the district to proceed with the repair, reconstruction, or replacement of the building, the governing board may after receiving the report of the examination of the building order the county superintendent of schools to call an election at which there shall be submitted to the qualified electors of the district all of the following propositions:

(a) Authorization of bonds of the district in an amount sufficient, as shown by the estimate, to provide funds for the repair, reconstruction, or replacement of the building.

(b) Authorization of the increase of the maximum tax rate of the district for such length of time as will permit raising sufficient funds by district taxation for the repair, reconstruction, or replacement of the building.

(c) Abandonment of the building and use of tents or other temporary structures for school purposes in lieu of the building abandoned.

SEC. 29. Section 15507 of said code is amended to read:

15507. The resolution ordering and the notice calling the election shall specify the building or buildings proposed to be repaired, reconstructed, or replaced, and those proposed to be abandoned.

SEC. 30. Section 15508 of said code is amended to read:

15508. The election shall be called, held and conducted in the manner provided in Chapter 6 of Division 4 of this code. Each elector shall be entitled to vote upon each of the propositions.

SEC. 31. Section 15805.5 is added to said code, to read:

15805.5. The governing board of any school district may install and maintain a lighting system in any underpass in the vicinity of a schoolhouse.

SEC. 32. Section 16002 is added to said code, to read:

16002. The governing board of any school district shall have the power to execute and deliver quitclaim deeds, either with or without consideration to the owners of real property adjacent to any real property owned by the school district, for the purpose of removing defects in and otherwise clearing up the title to such adjacent real property.

SEC. 33. Section 16523 is added to said code, to read:

16523. The governing board of any school district which maintains a junior college may rent or purchase academic caps and gowns for faculty use at ceremonies.

SEC. 34. Section 17609.1 is added to said code, to read:

17609.1. For purposes of state apportionments, a junior college district formed to comprise a single unified school district shall be considered as a junior college district separate from the unified school district.

SEC. 35. Section 17609.2 is added to said code, to read:

17609.2. For purposes of apportionment of state junior college funds, each unified school district which includes a junior college district shall be considered as a junior college district.

SEC. 36. Section 17617 is added to said code, to read:

17617. No real or personal property, including money, accepted pursuant to Section 1044 of this code by the governing board of any district maintaining a junior college, shall be considered in determining the eligibility of the district for an apportionment from the State School Fund nor in determining the amount thereof.

SEC. 37. Section 20205.1 is added to said code, to read:

20205.1. For purposes of nonresident county junior college tuition, a junior college district formed to comprise a single unified school district shall be considered as a junior college district separate from the unified school district.

SEC. 38. Section 20205.2 is added to said code, to read:

20205.2. For purposes of nonresident junior college student tuition, each unified school district which maintains one or more junior colleges shall be considered a junior college district.

SEC. 39. Section 20803 of said code is amended to read:

20803. Any maximum rate of tax for any district may be increased and, having been increased, may be decreased by an amount equal to or less than the amount of such increase, by a majority vote of the qualified electors of the school district at an election which may be ordered by the governing board of the school district of its own motion and shall be ordered within 90 days after the filing with the governing board of a petition signed by not less than 10 percent of the registered voters of the district, requesting that an election be ordered, unless the petitioners request that the election be consolidated with the annual election for members of the governing board, or that the election be consolidated with the general election.

Any decrease in an increased maximum tax rate pursuant to this section shall not be in an amount which will reduce the tax rate for the district below the maximum specified in Section 20751. The governing board shall determine whether the increase or decrease shall remain in effect for a specified or unspecified period of time, unless the petition filed by the electors provides for a specified or unspecified period of time. If a specified period is provided for in the petition or deter-

mined upon by the governing board, such period shall be stated on the ballot.

Pursuant to the order of the governing board, the election shall be called, held, and conducted by the county superintendent of schools, as nearly as is practicable in accordance with the provisions of Chapter 6 of Division 4 of this code. The statement of the purposes of the election in the card notice of election shall contain only the following:

(a) The amount of the proposed decrease or increase in the maximum tax rate. If the proposed increase is a continuation of a previously authorized tax rate that fact shall be so stated.

(b) A brief summary of the issues involved.

The specification of the election order shall contain the text of the statement of the purposes of the election in the form in which it is to appear on the card notice of election. The same information shall be furnished the county superintendent of schools by the governing board of the district for all maximum tax increase or decrease elections ordered by it.

The costs incurred by the county clerk or registrar of voters and the county superintendent of schools in connection with this section shall be paid out of the funds of the district.

Except as otherwise herein provided, the ballot used in the election shall contain substantially the words "Shall the proposed (increase decrease) in the maximum tax rates from _____ to _____, (such rate to be in effect in the _____ school district for the school year (or years) 19___ to 19___,) be authorized?" Opposite such words, in separate lines, the words "Yes" and "No" shall be printed, with a voting square opposite each such word. If, at any prior election held in the district, the maximum tax rate of the district was increased for a specified period of time, and if the election is called for the purpose of continuing in effect the previously authorized increase in the maximum tax rate of the district, the words to appear on the ballot shall be "Continuation of existing maximum tax rate of _____ for the school years 19___ to 19___, yes" and "Continuation of existing maximum tax rate of _____ for the school years 19___ to 19___, no" or words of similar import. Each voter shall stamp or print a cross in the voting square after the answer he desires to give.

Whenever the maximum tax rate of a school district is increased for either a specified or unspecified period of time and during such period an election is called for the purpose of further increasing the maximum tax rate of the district, the ballot used in the election shall show only the authorized maximum tax rate of the district in effect at the time of the election and the proposed maximum tax rate.

If an election for a decrease in an increased maximum tax rate of a district is held in any year prior to or concurrently with the district election for governing board members, any decrease adopted at such election shall become effective on July 1st following the election. If an election for a decrease in an increased tax rate of a district is held in any year after the

date of the district election for governing board members, any decrease adopted at such election shall not become effective until July 1st of the next succeeding year.

SEC. 40. Section 21701 of said code is amended to read:

21701. Except as otherwise provided by law, the governing board of any school district may, when in its judgment it is advisable, and shall, upon a petition of the majority of the qualified electors residing in the school district, order the county superintendent of schools to call an election and submit to the electors of the district the question whether the bonds of the district shall be issued and sold for the purpose of raising money for the following purposes:

(a) The purchasing of school lots.

(b) The building or purchasing of school buildings

(c) The making of alterations or additions to the school building or buildings other than such as may be necessary for current maintenance, operation, or repairs.

(d) The repairing, restoring, or rebuilding of any school building damaged, injured, or destroyed by fire or other public calamity.

(e) The supplying of school buildings and grounds with furniture, equipment or necessary apparatus of a permanent nature.

(f) The permanent improvement of the school grounds.

(g) The refunding of any outstanding valid indebtedness of the district, evidenced by bonds, or of state school building aid loans

(h) The carrying out of the projects or purposes authorized in Section 15811.

(i) The purchase of schoolbuses the useful life of which is at least twenty (20) years.

Any one or more of the purposes enumerated, except that of refunding any outstanding valid indebtedness of the district evidenced by bonds, may, by order of the governing board entered in its minutes, be united and voted upon as one single proposition

SEC. 41. Section 21751 of said code is amended to read:

21751. The election shall be conducted as provided in Chapter 6 of Division 4, except:

(1) As otherwise provided in Sections 21701 to 21801, inclusive, and Sections 21803 to 22152, inclusive.

(2) That the card notice of election required in Section 1345 shall include in the statement of the purposes for which the election is called, a statement of the need for the bonds, which shall consist of and be limited to:

(a) The amount of the proposed bond issue.

(b) A brief statement of the governing board of the need for the issuance of the bonds and of the purposes for which it is intended that the proceeds of the bond issue will be expended.

(c) A statement that "the proceeds of the bond issue may also be expended for any of the purposes specified in Education

Code Section 21701 which are included in the bond proposition ''

(3) That the official notice of the election shall contain, in addition to the items specified in Section 1342:

(a) The purposes for which the bonds are to be issued.

(b) The amount of the bonds.

(c) The maximum rate of interest, not to exceed 5 percent.

(d) The maximum number of years, not to exceed 25, not to exceed which the bonds or any series thereof are to run.

At least 60 days before the date of the bond election the governing board of the school district shall furnish the county clerk or registrar of voters with a list of precincts established for the election and the polling place in each such precinct, together with a copy of the statement of the purposes of the election in the form in which it is to appear on the card.

The costs incurred by the county clerk or registrar of voters in connection with this section shall be paid out of the funds of the district.

In any district located wholly or partially in a county with a population of less than 60,000, as determined by Government Code Section 28020, the governing board of the school district, rather than the county clerk or registrar of voters, shall mail to each registered voter residing in the district the cards designating the polling place and time of election, and stating the purposes of the election and the need for the issuance of bonds, at the time required by this section.

No election shall be held under the provisions of this section in any school district for a period of 90 days after such an election in the same school district

SEC. 42. Section 21752 of said code is repealed.

SEC. 43. Section 21752 is added to said code, to read:

21752. Any election called pursuant to Sections 21701 to 21801, inclusive, and Sections 21803 to 22152, inclusive, may be consolidated with any other election pursuant to the provisions of Chapter 4 of Part 2 of Division 12 of the Elections Code.

SEC. 44. Section 21753 of said code is repealed.

SEC. 45. Section 21754 of said code is amended and renumbered to read:

21753. The words to appear upon the ballots shall be "Bonds—Yes" and "Bonds—No," or words of similar import. Each elector voting at the election shall mark a cross with a pencil, ink, or rubber stamp after the answer he desires to give. A brief statement of the proposition, setting forth the amount of the bonds to be voted upon, the maximum rate of interest, and the purposes for which the proceeds of the sale of the bonds are to be used, may be printed upon the ballot. No defect in the statement other than in the statement of the amount of the bonds to be authorized shall invalidate the bonds.

SEC. 46. Section 21755 of said code is repealed.

SEC. 47. Section 21756 of said code is amended and renumbered to read:

21754. If it appears from the certificate of election results that two-thirds of the votes cast on the proposition of issuing bonds of the district are in favor of issuing the bonds, the governing board of the school district shall cause an entry of that fact to be made upon its minutes. The governing board shall then certify to the board of supervisors of the county whose superintendent of schools has jurisdiction over the district, all proceedings had in the premises. The county superintendent of schools shall send a copy of the certificate of election results to the board of supervisors of the county.

SEC. 48. Section 21757 of said code is amended and renumbered to read:

21755. The proceedings relating to the authorization of bonds of a joint school district of any type need be certified only to the board of supervisors of the county whose superintendent of schools has jurisdiction over the district. Said board of supervisors may issue and sell such bonds and no action of the board of supervisors of any other county in which the district is situated shall be required in connection with such issuance and sale, and such bonds need not be signed by any officer of any such other county.

SEC. 49. Section 21758 of said code is amended and renumbered to read:

21756. No error, irregularity, or omission which does not affect the substantial rights of the taxpayers within the district or the electors voting at any election at which bonds of any district are authorized to be issued shall invalidate the election or any bonds authorized.

SEC. 50. Section 21759 of said code is amended and renumbered to read:

21757. An action to determine the validity of bonds and of the ordering of the improvement or acquisition may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure. In such action, all findings, conclusions and determinations of the legislative body which conducted the proceedings shall be conclusive in the absence of actual fraud.

SEC. 51. Section 25508 5 of said code is amended to read:

25508.5. The governing board of any district, maintaining a junior college, may establish courses outside the district primarily for students who are nonresidents of the district, providing the following conditions are fulfilled:

(a) The governing board of a high school district, not a part of a district maintaining a junior college, with the approval of the county board of education of the county having jurisdiction over the high school district, requests that junior college classes be offered in the high school district.

(b) The district, maintaining the junior college, requests and receives annually the prior written approval of the State

Board of Education before establishing or continuing such classes outside its district.

This section shall be in effect until June 30, 1965.

SEC. 52. Section 5715 1 of the Education Code is repealed.

SEC. 53. If the provisions of Division 18.5 of the Education Code, as added by Senate Bill No. 78 of the 1963 Regular Session, conflict with the provisions of this act it is the intent of the Legislature that the provisions of Division 18.5 shall prevail.

CHAPTER 630

An act to amend and renumber Section 13409 of the Government Code, as added by Chapter 2121 of the Statutes of 1961, relating to purchases for local agencies.

[Approved by Governor May 28, 1963. Filed with Secretary of State May 28, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 13409 of the Government Code, as added by Chapter 2121 of the Statutes of 1961, is amended and renumbered to read:

13408.5. The Department of Finance is authorized to make purchases of materials, equipment, or supplies, other than printed material, on behalf of any city, county, city and county, district, or other local governmental body or corporation empowered to expend public funds for the acquisition of property, upon written request of such local agency; provided that such purchases can be made by the Department of Finance upon the same terms, conditions and specifications at a price lower than the local agency can obtain through its normal purchasing procedures. The State shall incur no financial responsibility in connection with purchases for local agencies under this section. No purchase shall be for less than five hundred dollars ($500) and the local agency shall accept sole responsibility for payment to the vendor. All purchases shall be subject to audit and inspection by the local agency for which made.

The competitive bidding requirements of this chapter shall apply to purchases made under this section.

Purchases under this section shall be subject to the provisions of Section 13407.

No purchase shall be made under this section when bids have been received by the local agency for the furnishing of such materials, equipment, or supplies, unless the purchase by the Department of Finance can be made at a lower price upon the same terms, conditions and specifications.

A charge shall be made to each local agency availing itself of this service, such charge to be not less than the estimated cost to the department of rendering the service, including costs

incurred by the department in preparation for a purchase requested by a local agency in instances where such request is canceled or withdrawn by the local agency prior to award of the contract or purchase order by the department.

The Department of Finance may adopt such rules and regulations as are necessary for the purposes of this section.

CHAPTER 631

An act to amend Section 6487 of the Streets and Highways Code, relating to reapportionment of bonds under the Improvement Act of 1911.

[Approved by Governor May 28, 1963 Filed with Secretary of State May 28, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 6487 of the Streets and Highways Code is amended to read:

6487. No new bond shall be issued when the apportioned amount is less than fifty dollars ($50). If it is less, the apportioned amount shall be paid to the treasurer in cash for the benefit of the holder of the existing bond at or prior to the time of filing the application referred to in Section 6483.

CHAPTER 632

An act to amend Section 8301 of the Education Code, relating to school districts.

[Approved by Governor May 28, 1963 Filed with Secretary of State May 28, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 8301 of the Education Code is amended to read:

8301. The governing board of a district maintaining one or more secondary schools may, subject to such rules and regulations as may be prescribed by the State Board of Education and upon the authorization of the Superintendent of Public Instruction, provide pupils enrolled in the regular day schools of the district with instruction by correspondence provided by the University of California, or other university or college in California accredited for teacher training under this code, in subjects included within or related to the course of study offered in the school and which for good reason cannot be taken by the pupil, and pay the cost thereof. Such instruction when provided for a pupil must be a part of the program of study approved for such pupil.

CHAPTER 633

An act to amend Section 28135 of the Government Code, relating to salaries of Madera County officers.

[Approved by Governor May 28, 1963 Filed with Secretary of State May 28, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 28135 of the Government Code is amended to read:

28135. In a county of the 35th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, eight thousand dollars ($8,000) a year.

(b) The district attorney, twelve thousand dollars ($12,000) a year. He shall devote his entire time to the duties of his office and shall not engage in the private practice of law during his term of office.

(c) Each supervisor, for all services required of him as supervisor, five thousand dollars ($5,000) a year. He shall also receive the following mileage and traveling expenses: when using a privately owned automobile, eight cents ($0.08) for each mile actually traveled each way: (1) in going to and from his residence to the courthouse in attending each day's session of the regular and special meetings of the board of supervisors and in attending each day's session of the meetings of the board of supervisors when the board convenes as a board of equalization, and (2) in the county in the performance of his duties as supervisor and as a member of the county board of equalization. When traveling in a privately owned automobile each member of the board of supervisors shall also be allowed mileage at the rate of eight cents ($0.08) a mile or railroad or bus fare, together with other traveling expenses incurred in traveling to and from places outside of the county when he is on county business authorized by the board of supervisors.

(d) For attending as a juror in the superior court or in the justice courts, each juror shall be paid three dollars ($3) for each day's attendance upon the court and eight cents ($0.08) a mile for each mile actually traveled each way in attending each day's session of the court.

For serving as a grand juror, each grand juror shall be paid six dollars ($6) for each day's attendance upon the duly called sessions of the grand jury and the meetings of committees appointed by the foreman of the grand jury and for each day's service when authorized in writing by the foreman to make individual investigations. When using a privately owned automobile, each grand juror shall also be allowed eight cents ($0.08) a mile for each mile actually traveled by him each way in attending each day's sessions of the grand jury and meetings of committees appointed by the foreman of the grand jury and when making individual investigations upon being

authorized in writing to make such investigations by the foreman.

The fees and traveling expenses shall be paid out of the general fund of the county upon warrants drawn by the county auditor upon the written order of the judge of the superior court in the case of grand jurors and jurors attending the superior court, and upon written order of the judge of the court in which the juror was in attendance in the case of jurors attending the justice courts.

The compensation provided by this section shall be paid to incumbent officers.

CHAPTER 634

An act to add Sections 31681.7 and 31739.4 to the Government Code, relating to county retirement systems.

[Approved by Governor May 28, 1963. Filed with Secretary of State May 28, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 31681.7 is added to the Government Code, to read:

31681.7. Every retirement allowance payable during the time this section is operative in any county to, or on account of any member of this system or of a superseded system, who has been retired for service shall be increased by an amount equal to the product one dollar ($1) times years of service, not to exceed 20 years, times the number in the following table:

Period during which retirement became effective	Multiply by
On or prior to June 30, 1957	2
Twelve months ended June 30, 1958	1.5
Twelve months ended June 30, 1959	1
Twelve months ended June 30, 1960	0.5

This section shall not be operative in any county except as follows: The board of supervisors of a county at any time and from time to time may find that economic conditions are such as to require either that this entire section, or this section as applied to one or more categories of members in the above table be applicable in such county. The board of supervisors of such county from time to time may either rescind or modify such finding and either find that economic conditions do not require that this section be applicable at all in such county or be applicable to a greater, lesser, or different extent than previously found. This section or this section as applied to one or more categories of members in the above table, as the case may be, shall be applicable in such county when and only during the time when such finding is in effect. The giving of additional retirement benefits pursuant to this section shall create no additional contractual rights and shall not preclude the

withdrawal of such benefits either by action of the board of supervisors or of the Legislature.

SEC. 2. Section 31739.4 is added to said code, to read:

31739.4. Every retirement allowance payable during the time this section is operative in any county to, or on account of any member of this system or of a superseded system, who has been retired for disability shall be increased by an amount equal to the product one dollar ($1) times years of service, not to exceed 20 years, times the number in the following table:

Period during which retirement became effective	Multiply by
On or prior to June 30, 1957	2
Twelve months ended June 30, 1958	1.5
Twelve months ended June 30, 1959	1
Twelve months ended June 30, 1960	0.5

This section shall not be operative in any county except as follows: The board of supervisors of a county at any time and from time to time may find that economic conditions are such as to require either that this entire section, or this section as applied to one or more categories of members in the above table be applicable in such county. The board of supervisors of such county from time to time may either rescind or modify such finding and either find that economic conditions do not require that this section be applicable at all in such county or be applicable to a greater, lesser, or different extent than previously found. This section or this section as applied to one or more categories of members in the above table, as the case may be, shall be applicable in such county when and only during the time when such finding is in effect. The giving of additional retirement benefits pursuant to this section shall create no additional contractual rights and shall not preclude the withdrawal of such benefits either by action of the board of supervisors or of the Legislature.

CHAPTER 635

An act to repeal Chapter 12 (commencing with Section 2550) and Chapter 13 (commencing with Section 3050), Division 6 of the Agricultural Code, relating to marketing of agricultural products.

[Approved by Governor May 28, 1963 Filed with Secretary of State May 28, 1963]

The people of the State of California do enact as follows:

SECTION 1. Chapter 12 (commencing with Section 2550), Division 6 of the Agricultural Code, is repealed.

SEC. 2. Chapter 13 (commencing with Section 3050), Division 6 of said code, is repealed.

CHAPTER 636

An act to amend Sections 1562 and 8408.5 of the Elections Code, relating to voting.

[Approved by Governor May 23, 1963. Filed with Secretary of State May 28, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 1562 of the Elections Code is amended to read:

1562. If a voter is erroneously placed in a precinct other than the one in which he resides, he may apply to the county clerk for a certificate showing the record of registration. The county clerk shall issue to him this certificate on or before the day of the election. On presentation of the certificate to the precinct board of the precinct in which the voter resides, the board shall incorporate the certificate in the book of affidavits of registration and permit the voter to vote.

If the voter does not obtain the certificate provided for in this section and votes in the precinct into which he has been erroneously placed by the county clerk, and the election is contested, his vote shall not be rejected for those candidates and on those measures with respect to which he would have been entitled to vote had he voted in his proper precinct, and no inquiry shall be made as to how he voted for those candidates and on those measures.

SEC. 2. Section 8408.5 of said code is amended to read:

8408.5. If the county clerk, on the 59th day prior to the direct primary election, finds that the number of candidates nominated for election to a county central committee from an assembly or supervisorial district does not exceed the number of candidates to be elected from that assembly or supervisorial district, the designation of the office and the names of the candidates shall not be printed on that party's ballot in the assembly or supervisorial district, unless there is filed with the county clerk, not later than 20 days after the final date for filing nomination papers for the positions, a petition indicating that a write-in campaign will be conducted for the office and signed by 25 registered voters affiliated with the political party involved. In lieu thereof, the board of supervisors shall declare elected the candidates who have been nominated, and those candidates shall be entitled to receive certificates of election in the same manner as other candidates elected to a county central committee.

SEC. 3. Section 2 of this act shall take effect only if Assembly Bill No. 209 of the 1963 Regular Session is enacted.

CHAPTER 637

An act to amend Section 21304 of the Education Code, relating to use of revolving cash funds.

[Approved by Governor May 28, 1963. Filed with Secretary of State May 28, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 21304 of the Education Code is amended to read:

21304. The person entrusted with the revolving fund shall not be authorized to expend any portion of the fund except for services or material, the securing or purchasing of which is a legal charge against the district, and no expenditure shall be made unless a receipt is obtained therefor setting forth the date and the purpose of the expenditure and the amount expended. The governing board of any school district may establish an account for the revolving fund in one or more banks. The account shall be known as "The Revolving Fund Account of (insert name of district) District" and shall be established in the custody of the officer for whose use the revolving cash fund is created who shall be responsible for the payment into the account or accounts of all moneys required to be reimbursed into the account or accounts, and for all expenditures therefrom, subject to such regulations as the governing board prescribes. A bill shall be presented to the district monthly, or oftener if necessary, for the reimbursement of the fund in the same manner as other bills are presented. Bills shall be supported by the receipts required. All sums received in payment of the bills shall be returned to the revolving cash fund or bank account or accounts and each person entrusted with the revolving cash fund shall, upon demand of the county superintendent of schools or the county auditor or of the governing board of the district, give an account of the fund.

CHAPTER 638

An act to add Section 13465.1 to the Education Code, relating to employment in the public schools.

[Approved by Governor May 28, 1963. Filed with Secretary of State May 28, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 13465.1 is added to the Education Code, to read:

13465.1. Whenever a permanent or probationary certificated employee of a high school district is granted a leave of

absence from the high school district and is employed by a junior college district which is governed by a governing board composed of identical personnel as the governing board of the high school district from which the employee is on leave, such employee may, at the discretion of the governing board of the junior college district, be allowed to retain all sickness and injury, sabbatical and other leave rights accumulated by service with the high school district prior to employment with the junior college district, including any accumulated rights allowed by the governing board of the high school district prior to the transfer, as fully as if there were no change in employment from the high school district to the junior college district. This section shall be applicable whether the transfer of employment occurred before or after the effective date of this section.

CHAPTER 639

An act to amend Section 22658 of the Vehicle Code, relating to removal of vehicles.

[Approved by Governor May 28, 1963. Filed with Secretary of State May 28, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 22658 of the Vehicle Code is amended to read:

22658. The owner or person in lawful possession of any private property may, subsequent to giving notice to the city police or county sheriff, whichever is appropriate, cause the removal of a vehicle parked on such property to the nearest public garage if there is displayed in plain view on the property a sign prohibiting public parking and containing the telephone number of the local traffic law enforcement agency. The person causing removal of such vehicle shall comply with the requirements of Sections 22852 and 22853 relating to notice in the same manner as applicable to an officer removing a vehicle from private property. The provisions of this section shall not limit or affect any right or remedy which the owner or person in lawful possession of private property may have by virtue of other provisions of law authorizing the removal of a vehicle parked upon such property.

CHAPTER 640

An act to add Section 31789 to the Government Code, relating to retirement.

[Approved by Governor May 28, 1963 Filed with Secretary of State May 28, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 31789 is added to the Government Code, to read:

31789. Upon the death of any person after retirement and while receiving a retirement allowance from this system, or any superseded system, there shall be paid to his estate or to such beneficiary as he shall nominate by written designation duly executed and filed with the board, the sum of four hundred dollars ($400) to be provided from contributions of the county or district.

This section applies to every member who dies after this section becomes operative whether he has retired before or after the operative date or effective date of this section.

This section shall not be operative in any county until such time as the board of supervisors shall, by resolution adopted by majority vote, make the provisions of this section applicable in such county.

CHAPTER 641

An act to amend Section 31732 of the Government Code, relating to County Employees Retirement Law.

[Approved by Governor May 28, 1963 Filed with Secretary of State May 28, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 31732 of the Government Code is amended to read as follows:

31732. The board shall secure such medical, investigatory and other service and advice as is necessary to carry out the purpose of this article. It shall pay for such services and advice such compensation as it deems reasonable.

CHAPTER 642

An act to amend Section 31810 of the Government Code, relating to the County Employees' Retirement Law of 1937.

[Approved by Governor May 28, 1963. Filed with Secretary of State May 28, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 31810 of the Government Code is amended to read:

31810. A member who retires for service prior to the age of becoming eligible for retirement payments under the federal system and who at the time of retiring is fully insured under the federal system, may, with the approval of the Retirement Board, elect to have his retirement allowance increased prior to such eligible age and reduced after such age by amounts which have equivalent actuarial values. This modification is for the purpose of co-ordinating a member's retirement allowance with benefits receivable from the federal system.

CHAPTER 643

An act to amend Section 31641.4 of the Government Code, relating to the County Employees Retirement Law.

[Approved by Governor May 28, 1963. Filed with Secretary of State May 28, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 31641.4 of the Government Code is amended to read:

31641.4. A member shall receive credit for employment in public service only for such service as he is not entitled to receive a pension or retirement allowance from such public agency. The service for which he elects to contribute must be certified to by an officer of the public agency where he rendered such public service and it must be established to the satisfaction of the board that no pension or retirement allowance will accrue to such member by virtue of his employment in such public agency.

CHAPTER 644

An act to amend Sections 31552 and 31527 of the Government Code, relating to county employee retirement.

[Approved by Governor May 28, 1963 Filed with Secretary of State May 28, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 31552 of the Government Code is amended to read:

31552. All existing officers and employees of the county become members of the association on the day the retirement system becomes operative, and thereafter each person entering the county employ becomes a member on the first day of the calendar month after his entrance into the service, unless otherwise provided by regulations adopted by the board.

SEC. 2. Section 31527 of said code is amended to read:

31527. In its regulations, the board may include the following provisions:

(a) From what warrants deductions of members' contributions shall be made.

(b) For a period of time longer than one year during which a member may redeposit in the retirement fund an amount equal to all of the accumulated normal contributions which he has withdrawn, plus regular interest thereon from the date of return to service.

(c) For a period of time longer than one year during which a member brought within the field of membership may pay into the retirement fund the amount equal to the contributions he would have made plus interest, if he had been a member from the date of its organization, or from the date of his entrance into county service, whichever is later.

(d) For a withdrawal charge against a member who withdraws his accumulated contributions. The withdrawal charge shall not exceed the interest credited to the member subsequent to the effective date of the regulation.

(e) For the exemption or exclusion from membership as a peace officer member or as a safety member or from membership altogether, in the discretion of the board, of persons whose tenure is temporary, seasonal, intermittent, or for part time only, or persons whose rate of compensation is less than eighty dollars ($80) a month, or persons whose compensation is fixed at a rate by the day or hour.

(f) For the periodic physical examination, at county expense, of safety members.

(g) The amount of additional deductions from the salaries or wages of members pursuant to Article 15.5 or 16. Such a

provision may be adopted in anticipation of, and prior to Article 15.5 or 16 becoming operative in the particular county.

(h) The day upon which each person entering the county employ becomes a member of the association if it is to be other than the first day of the calendar month after his entrance into the service, provided that said day shall be no earlier than 15 days prior to nor later than 15 days subsequent to, the first day of the calendar month after his entrance into the service.

CHAPTER 645

An act to amend Sections 31520, 31520.1, 31680, and 31680.1 of the Government Code, relating to the County Employees Retirement Law of 1937.

[Approved by Governor May 28, 1963. Filed with Secretary of State May 28, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 31520 of the Government Code is amended to read:

31520. The management of the retirement system is vested in the board of retirement, consisting of five members, one of whom shall be the county treasurer. The second and third members of the board shall be members of the association elected by it within 30 days after the retirement system becomes operative in a manner determined by the board of supervisors. The fourth and fifth members shall be qualified electors of the county who are not connected with county government in any capacity, except one may be a supervisor and one may be a retired member, and shall be chosen by the board of supervisors. The first persons chosen as the second and fourth members shall serve for two years from the date the system becomes operative and the third and fifth members shall serve for a term of three years from that date. Thereafter the terms of office of the four elected members are three years.

SEC. 1.5. Section 31520.1 of said code is amended to read:

31520.1. In any county subject to the provisions of Articles 6.8 and 7.5, the board of retirement shall consist of seven members and one alternate, one of whom shall be the county treasurer. The second and third members of the board shall be members of the association, other than safety members, elected by such members within 30 days after the retirement system becomes operative in a manner determined by the board of supervisors. The fourth, fifth and sixth members shall be

qualified electors of the county who are not connected with the county government in any capacity, except one may be a supervisor and one may be a retired member, and shall be appointed by the board of supervisors. The seventh member shall be a safety member of the association elected by the safety members. The alternate member shall be that candidate, if any, for the seventh member from the group under Section 31470.2 or 31470.4, which is not represented by a board member who received the highest number of votes of all candidates in that group. If there is no such candidate there shall be no alternate member. The first person chosen as the second and fourth members shall serve for a term of two years beginning with the date the system becomes operative, the third and fifth members shall serve for a term of three years beginning with that date, and the sixth, seventh, and alternate members shall serve for a term of two years beginning January 1, 1952, or the date on which a retirement system established by this chapter becomes operative, whichever is the later. Thereafter the terms of office of the six elected members and alternate are three years.

The alternate member provided for by this section shall vote as a member of the board only in the event the second, third or seventh member is absent from a board meeting for any cause. The alternate shall sit on the board in place of the seventh member when a member of the same service is before the board for determination of his retirement.

SEC. 2. Section 31680 of said code is amended to read:

31680. A member retired for service or disability shall not be paid for any service rendered by him to the county or district after the date of his retirement, except: (a) As specifically provided in this chapter. (b) Pursuant to Section 31733. (c) The county or district may pay and such retired member may receive: (1) rewards for ideas or suggestions made by such retired member for the improvement of county or district activities; (2) compensation for his services on the board of retirement.

As herein used the term "services rendered" shall refer to service rendered as an officer or employee of the county or district and shall not refer to services performed by a retired officer or employee as an independent contractor engaged by a county or district under a bona fide contract for services within the purview of Section 31000 of this code.

SEC. 3. Section 31680.1 of said code is amended to read:

31680.1. Any person who has retired under this chapter may, without reinstatement from retirement or loss or interruption of benefits under this chapter, serve as a juror, election officer, or member of the board of the association and receive any fees payable for such service.

CHAPTER 646

An act to repeal Section 31557.1 and Article 6.5 (commencing with Section 31630), Article 8.3 (commencing with Section 31682), Article 10.5 (commencing with Section 31740) and Article 12.5 (commencing with Section 31790) of Chapter 3 of Part 3 of Division 4 of Title 3 of the Government Code, relating to county peace officers retirement.

[Approved by Governor May 28, 1963. Filed with Secretary of State May 28, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 31557.1 of the Government Code is repealed.

SEC. 2. Article 6.5 (commencing with Section 31630) of Chapter 3 of Part 3 of Division 4 of Title 3 of said code is repealed.

SEC. 3. Article 8.3 (commencing with Section 31682) of Chapter 3 of Part 3 of Division 4 of Title 3 of said code is repealed.

SEC. 4. Article 10.5 (commencing with Section 31740) of Chapter 3 of Part 3 of Division 4 of Title 3 of said code is repealed.

SEC. 5. Article 12.5 (commencing with Section 31790) of Chapter 3 of Part 3 of Division 4 of Title 3 of said code is repealed.

SEC. 6. Sections 1, 2, 3, 4 and 5 of this act shall apply only to members who enter the service of the county or district after its effective date.

CHAPTER 647

An act to add Section 1.1 to the Storm Drain Maintenance District Act (Chapter 265 of the Statutes of 1937), relating to storm drain maintenance districts.

[Approved by Governor May 28, 1963. Filed with Secretary of State May 28, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 1.1 is added to the Storm Drain Maintenance District Act (Chapter 265 of the Statutes of 1937), to read:

Sec. 1.1. The legislative body of a city may create a storm drain maintenance district comprising either incorporated territory or both incorporated and unincorporated territory, as in this act provided. As applied to such districts, corresponding terms applicable to cities shall be substituted for terms used in this act applicable to counties.

Whenever the formation of such a district by a city includes unincorporated territory, the consent of the board of supervisors of the county, any portion of which is included within the proposed district, expressed by ordinance adopted by a four-fifths vote of all of the members of said board, shall be obtained prior to the passage of the resolution provided for in Section 3 hereof.

Any such territory included within a district formed under this act shall be subject to its provisions.

CHAPTER 648

An act to amend Section 5615 of the Streets and Highways Code, relating to sidewalk repairs.

[Approved by Governor May 28, 1963. Filed with Secretary of State May 28, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 5615 of the Streets and Highways Code is amended to read:

5615. If the repair is not commenced and prosecuted to completion with due diligence, as required by the notice, the superintendent of streets shall forthwith repair the sidewalk. Upon the written request of the owner of the property facing the sidewalk so out of repair, as ascertained from the last equalized assessment roll of the city, or as shown in the records of the office of the clerk, the superintendent may repair any other portion of the sidewalk fronting on the property that is designated by the owner. The superintendent shall have power to prescribe the form of the written request. The cost of repair work done by request pursuant to this section shall be a part of the cost of repairs for which, pursuant to this chapter, subsequent notices are given, hearings held and assessment and collection procedures are conducted.

CHAPTER 649

An act to amend Sections 840, 844, 844.1 and 844.2 of the Agricultural Code, relating to honey.

[Approved by Governor May 28, 1963. Filed with Secretary of State May 28, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 840 of the Agricultural Code is amended to read:

840. When used in this chapter:

(a) "Container" means any box, crate, chest, carton, barrel, keg or any other receptacle containing honey.

(b) "Subcontainer" means any "section box" or other receptacle used within a container.

(c) "Clean and sound containers" means containers which are virtually free from rust, stains or leaks.

(d) "Section box" means the wood or other frame in which bees have built a small comb of honey.

(e) "Pack," or "packing" or "packed," means the arrangement of all or a part of the subcontainers in any container.

(f) "Deceptive pack" means any container or subcontainer of honey which has, in any exposed surface, honey or honeycomb, so superior in quality, appearance, condition or in any other respect to that in the interior of the container or subcontainer, or the unexposed portion, as to materially misrepresent the contents. The pack shall be considered deceptive even though the honey in a container is virtually uniform in quality as defined in this chapter, when the outer or exposed surface is composed of honey which is not an accurate representation of the variation in quality of the honey in the entire container. Any pack shall be considered deceptive which is "slack-filled" unless the container is so marked, even though such containers are marked with the proper net weight of the honey contained therein.

(g) "Slack-filled" means that the contents of any container occupy less than 85 percent of the volume of the closed container.

(h) "Deceptive arrangement" or "deceptive display" means any lot or load, arrangement or display of honey which has in any exposed surface, honey which is so superior in quality, appearance or condition, or in any other respects, to any of that which is concealed or unexposed as to materially misrepresent any part of the lot, load, arrangement or display.

(i) "Mislabeled" means the placing or presence of any false or misleading statement, design or device upon, or in connection with, any container or lot of honey, or upon the label, lining, or wrapper of any such container, or any placard used in connection therewith, and having reference to such honey. A statement, design or device is false and misleading, when the honey to which it apparently or actually refers does not conform in every respect to such statement.

(j) "Placard" is any sign, label, or designation, other than an oral designation, used in connection with any honey as a description or identification thereof.

(k) "Honey" means the nectar of floral exudations of plants gathered and stored in the comb by honeybees (Apis mellifica). It is a levorotatory, contains not more than twenty (20) percent of water, not more than twenty-five (25) one hundredths of 1 percent of ash, not more than eight (8) percent of sucrose, its specific gravity is not less than 1.412, its weight not less than eleven (11) pounds, twelve (12) ounces per standard gallon of 231 cubic inches at sixty-eight (68) degrees Fahrenheit.

(*l*) "Comb honey" means honey in the comb.

(m) "Adulterated honey" shall mean any honey to which has been added honeydew, glucose, dextrose, molasses, sugar, sugar sirup, invert sugar, or any other similar product or products, other than the nectar of floral exudations of plants gathered and stored in the comb by honeybees.

(n) "Extracted honey" means honey which has been removed from the comb.

(o) "Crystallized honey" means honey which has assumed a solid form due to the crystallization of one or more of the natural sugars therein.

(p) "Honeydew" means (1) the saccharine exudation of plants or insects, other than nectareous exudations, gathered and stored in the comb by honeybees (Apis mellifica) and (2) it is dextrorotatory.

(q) "Foreign material" means pollen, wax particles, insects or other materials not deposited by bees but shall not include decorative artificial leaves or blossoms.

(r) "Foreign honey" means any honey not produced within the State of California.

(s) "Agent" includes broker, commission merchant, auctioneer, solicitor, seller on consignment, and any other person acting upon the actual or implied authority of another.

SEC. 2. Section 844 of said code is amended to read:

844. All comb honey shall be conspicuously marked, either on the section or on its individual container, with (1) the name and address of the producer or distributor; (2) the net weight of the comb section, stated in terms of whole ounces; and (3) one of the United States grades established for honey by the United States Department of Agriculture.

Opaque containers of bulk or chunk comb honey shall be marked with the color the honey would be if extracted except when in the unclassified grade.

All comb honey shall meet the requirements of the color classification and grades as defined in United States grades, color standards, and packing requirements for honey by the United States Department of Agriculture, according to the color classification and grade as marked.

Comb honey which has crystallized shall be conspicuously marked with the word "crystallized" upon the container of honey or the label of any such container, or on a placard used in connection therewith having reference to such honey.

In order to allow for variations incident to proper grading and handling, not more than 5 percent, by count, of the containers or of the subcontainers in any lot of honey may be below the requirements for the grade.

SEC. 3. Section 844.1 of said code is amended to read:

844.1. All containers or subcontainers of extracted honey shall be conspicuously marked with (1) the name and address

of the producer or distributor; (2) the net weight of the honey in the container; (3) one of the United States grades established for honey by the United States Department of Agriculture; and (4) in the case of opaque containers, with the color of the honey.

All extracted honey shall meet the requirements of the color classifications and grades as defined in United States grades, color standards, and packing requirements for honey by United States Department of Agriculture, according to the color classification and grade as marked.

However, all honey regardless of grade term as marked, must be free from serious damage and at least as free from excessive foreign material as honey that has been strained through standard bolting cloth of 23 meshes per inch. Serious damage shall be deemed to mean any injury or defect that seriously affects the appearance or edibility of the honey such as overheating, which destroys both natural color and flavor, fermentation, which causes either foam and/or sourness, and objectionable flavor from any substance or thing other than floral source.

All containers or subcontainers of extracted honey which is produced entirely within the State may be conspicuously marked with the name "California."

As applied to extracted honey:

(a) If the color of the honey is designated on the container or subcontainer or upon a placard having reference to such honey it must conform to the color definitions provided in this chapter.

(b) Any honey which is a blend of two or more floral types of honey shall not be labeled as honey from any one particular floral source alone unless one floral type is predominant in which case such honey may be labeled as to the predominant oral type, as determined by flavor

(c) Any "slack-filled" container shall be conspicuously marked "slack-filled."

In order to allow for variations incident to proper grading and handling, not more than 5 percent, by count, of the containers or of the subcontainers in any lot of honey may be below the requirements for the grade, but no part of this tolerance shall be allowed for defects causing serious damage.

Extracted honey in containers holding five ounces or more, shall be packed, offered for sale and sold in the exact units of weight as set forth in the table of standard weights of honey in containers provided for in Section 845.

When the combined net weight of the extracted honey in all subcontainers contained in one master container is equal to one of the units of weight specified in Section 845, the unit is a standard unit of weight if sold as a unit directly to the consumer.

SEC. 4. Section 844.2 of said code is amended to read:

844.2. As applied to comb and extracted honey:

(a) No containers or subcontainers of honey shall be marked or labeled with the name "California" unless the honey is produced entirely within the State.

(b) Any containers or subcontainers of honey imported from any territory or foreign country shall be labeled with the name of the territory or country of origin.

(c) Where the floral flavor of the honey is stated on the container the honey contained therein must be true to such flavor unless the honey is a blend of two or more floral types and one floral type is predominant, in which case the honey may be labeled as to the predominant floral type as determined by flavor.

CHAPTER 650

An act to amend Section 6441.1 of the Streets and Highways Code, relating to payments pursuant to the Improvement Act of 1911.

[Approved by Governor May 28, 1963. Filed with Secretary of State May 28, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 6441.1 of the Streets and Highways Code is amended to read:

6441.1. If a remittance to cover a payment of interest or interest and principal to be made to the treasurer prior to a certain date and hour or prior to a certain date before being delinquent is sent through the United States mail, properly addressed with postage prepaid, and the cancellation mark is placed on the envelope after it is deposited in the mail:

(a) Where the cancellation mark shows both date and time, the remittance shall be deemed received on the date shown by the cancellation mark and by the time specified by law for that date.

(b) Where the cancellation mark shows only the date, the remittance shall be deemed received within the time and date specified when the cancellation mark bears a date on or before which payment is required.

The treasurer need not accept such a payment if it is received more than 10 days after the date and time set by law for the payment. This section shall not apply if the letter containing the payment was incorrectly addressed.

CHAPTER 651

An act to amend Section 6464 of the Streets and Highways Code, relating to the Improvement Act of 1911.

[Approved by Governor May 28, 1963. Filed with Secretary of State May 28, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 6464 of the Streets and Highways Code is amended to read:

6464. The legislative body conducting the proceedings may elect, in the resolution of intention, to have the redemption provisions of said bond provide a premium of 5 percent of the unmatured principal. In such case, the words, "together with a premium of 5 percent of said unmatured principal" shall be added after the redemption clause in the bond form, and Section 6447 shall be deemed to require the property owner to pay a like sum in order to pay and discharge such lien.

CHAPTER 652

An act to amend Section 6509 of the Streets and Highways Code, relating to the Improvement Act of 1911.

[Approved by Governor May 28, 1963. Filed with Secretary of State May 28, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 6509 of the Streets and Highways Code is amended to read:

6509. If such payment is not made, the sale shall be made as advertised, and the lot or parcel described in the bond shall be sold to the purchaser who shall take the least amount of the lot or parcel and pay all of the sums specified in the notice of sale. In the event there are no bidders, a certificate of sale shall be issued to the bond owner upon payment to the treasurer of the amount specified in the notice of sale.

CHAPTER 653

An act to add Section 6518 to the Streets and Highways Code, relating to the Improvement Act of 1911.

[Approved by Governor May 28, 1963. Filed with Secretary of State May 28, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 6518 is added to the Streets and Highways Code, to read:

6518. The holder of a certificate of sale, upon assignment of such certificate shall immediately notify the treasurer thereof, giving the name and address of the assignee and shall endorse such assignment on the certificate of sale.

CHAPTER 654

An act to add Section 6466 to the Streets and Highways Code, relating to the Improvement Act. of 1911.

[Approved by Governor May 28, 1963. Filed with Secretary of State May 28, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 6466 is added to the Streets and Highways Code, to read:

6466. The provisions of Articles 2 (commencing with Section 53430) and 3 (commencing with Section 53460) of Chapter 3, Part 1, Division 2, Title 5 of the Government Code shall apply to lost or destroyed or mutilated bonds issued pursuant to this part.

CHAPTER 655

An act to amend Section 6508 of the Streets and Highways Code, relating to the Improvement Act of 1911.

[Approved by Governor May 28, 1963. Filed with Secretary of State May 28, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 6508 of the Streets and Highways Code is amended to read:

6508. If at any time prior to the sale any person interested in the lot or parcel of land described in the notice of sale pays the whole amount of the unpaid principal of the bond, the in-

terest thereon compounded semiannually up to the date of such payment, at the rate named in the bond upon the amount of the principal remaining unpaid for the whole period for which interest has not been paid, and all penalties which have accrued, together with the cost of the publication of the notice of sale, the bond shall be canceled. If redemption of the bond is made by the property owner prior to publication of notice of sale, but after the treasurer has incurred any expense for such publication, the property owner, in addition to all other costs, shall pay to the treasurer such expense incurred by the treasurer.

CHAPTER 656

An act to amend Section 25260 of the Vehicle Code, relating to warning lights on vehicles.

[Approved by Governor May 28, 1963. Filed with Secretary of State May 28, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 25260 of the Vehicle Code is amended to read:

25260. Public utility vehicles, and vehicles of duly authorized representatives of a public utility, actually engaged in the construction, removal, maintenance or inspection of public utility facilities, including the cutting or trimming of trees immediately adjacent thereto, may display flashing amber warning lights to the front, sides or rear when necessarily parked other than adjacent to the curb in a highway or when moving at a speed slower than the normal flow of traffic.

CHAPTER 657

An act adding Sections 31533 and 31534 to the Government Code, relating to county employees' retirement systems.

[Approved by Governor May 28, 1963. Filed with Secretary of State May 28, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 31533 is added to the Government Code, to read:

31533. Whenever, in order to make a determination, it is necessary to hold a hearing the board may appoint either one of its members or a member of the retirement association to serve as a referee. The referee shall hold such a hearing and shall transmit, in writing, to the board his proposed findings of fact and recommended decision.

SEC. 2. Section 31534 is added to said code, to read:

31534. Upon receiving the proposed findings of fact and recommendations of the referee, the board may:

(a) Approve and adopt the proposed findings and the recommendations of the referee, or

(b) Require a transcript or summary of all the testimony, plus all other evidence received by the referee. Upon the receipt thereof the board shall take such action as in its opinion is indicated by such evidence, or

(c) Refer the matter back with or without instructions to the referee for further proceedings, or

(d) Set the matter for hearing before itself. At such hearing the board shall hear and decide the matter as if it had not been referred to the referee.

CHAPTER 658

An act to add Article 4 (commencing with Section 30900) to Chapter 3 of Division 17 of the Streets and Highways Code, relating to toll ferry franchises, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 28, 1963 Filed with Secretary of State May 28, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Article 4 (commencing with Section 30900) is added to Chapter 3 of Division 17 of the Streets and Highways Code, to read:

Article 4. Toll Ferries in Cities

30900. Notwithstanding any other provision of this code, the legislative body of a city may grant upon such terms, limitations, conditions, and restrictions and under such supervision as in its judgment are necessary and proper, franchises, privileges, or licenses for the construction, maintenance, and operation of toll ferries and for the taking and keeping of tolls from such ferries when the following conditions exist:

(a) The toll ferry is operated wholly within the boundaries of such city.

(b) None of the route or routes of such toll ferry constitute a part or an extension of a state highway or a state highway route.

(c) No part of the route or routes of the toll ferry for which a franchise, privilege or license is being processed is within 10 miles of a toll bridge in operation or under construction over any body of water across which said toll ferry is to operate.

(d) The director finds that no toll bridge is planned or contemplated in a location where such ferry would compete with it. Failure of the director to make a finding and advise the legislative body of the city of such finding in writing within 30 days after being advised in writing by the legislative body of a city that it is considering granting a franchise, privilege, or license to operate a toll ferry that such a toll bridge is planned or contemplated shall be deemed a finding that no such toll bridge is planned or contemplated.

30901. In granting any such franchise, privilege, or license, the legislative body may require the grantee thereof to pay an annual fee either in a flat amount or a percentage of the gross receipts derived from the operation of such toll ferry.

30902. The provisions of this article do not relieve the operator of a toll ferry from obtaining and maintaining a current and valid certificate of public convenience and necessity from the Public Utilities Commission when such certificate is otherwise required.

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

It is essential that the provisions of this act delegating the authority to the legislative bodies of cities to grant franchises, privileges and licenses to construct, maintain and operate toll ferries be made effective at the earliest possible date to assure that the ferry service from Balboa Peninsula to Balboa Island in Newport Bay in the City of Newport Beach, County of Orange, will not be interrupted. Such interruption would severely hamper effective police and fire protection for the area and disrupt an essential transportation service for the people of this State.

CHAPTER 659

An act to amend Section 21464 of the Vehicle Code, relating to defacing public signs.

[Approved by Governor May 28, 1963. Filed with Secretary of State May 28, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 21464 of the Vehicle Code is amended to read:

21464. No person shall without lawful authority deface, injure, attach any material or substance to, knock down, or

remove, nor shall any person shoot at, any official traffic control device, traffic guidepost, traffic signpost, or historical marker placed or erected as authorized or required by law, nor shall any person without such authority deface, injure, attach any material or substance to, or remove, nor shall any person shoot at, any inscription, shield, or insigne on any such device, guide, or marker.

CHAPTER 660

An act to amend Section 11710 of the Vehicle Code, relating to licensing of dealers.

[Approved by Governor May 28, 1963. Filed with Secretary of State May 28, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 11710 of the Vehicle Code is amended to read:

11710. (a) Before any dealer's license shall be issued or renewed by the department to any applicant therefor, the said applicant shall procure and file with the department a good and sufficient bond in the amount of five thousand dollars ($5,000) with corporate surety thereon, duly licensed to do business within the State of California, or a cash bond in such amount, approved as to form by the Attorney General, and conditioned that said applicant shall not practice any fraud, make any fraudulent representation which will cause a monetary loss to a purchaser, seller, financing agency, or governmental agency.

(b) Liability under such bond is to remain at five thousand dollars ($5,000). If the amount of liability under the bond is decreased or there is outstanding a final court judgment for which the dealer and bonding company is liable, the dealer's license shall be automatically suspended. In order to reinstate the license and certificate, the licensee shall either file an additional bond or restore the bond on file to the original amount, or shall terminate the outstanding judgment for which he and the bonding company are liable.

(c) From and after the effective date of this section, a dealer's license, or renewal of such license, shall not be issued to any applicant therefor, unless and until such applicant shall file with the department a good and sufficient instrument in writing in which he shall appoint the director as the true and lawful agent of said applicant upon whom all process may be served in any action, or actions, which may thereafter be commenced against such applicant, arising out of any claim for

damages suffered by any firm, person, association or corporation, by reason of the violation of said applicant of any of the terms and provisions of this code or any condition of the dealer's bond. The applicant shall stipulate and agree in said appointment that any process directed to said applicant, when personal service of process upon him cannot be made in this State after due diligence, in such a case which is served upon the director, or in the event of his absence from his office, upon any employee in charge of the office of such director, shall be of the same legal force and effect as if served upon said applicant personally. Said applicant shall further stipulate and agree in writing that the agency created by said appointment shall continue for and during the period covered by any license that may be issued and so long thereafter as the applicant may be made to answer in damages for a violation of this code or any condition of his bond, as aforesaid. The instrument appointing the director as the agent for the applicant for service of process shall be acknowledged by the applicant before a notary public. In any case wherein the licensee be served with process by service thereof upon the director one copy of the summons and complaint shall be left with the director or in his office in Sacramento or mailed to the office of the director in Sacramento. A fee of five dollars ($5) shall also be paid to the director at the time of service of the copy of the summons and complaint. Such service on the director shall be a sufficient service on said licensee; provided, a notice of such service and a copy of the summons and complaint shall be forthwith sent by registered mail by the plaintiff or his attorney to said licensee. A copy of the said summons and complaint shall also be mailed by the plaintiff or his attorney to the surety on the applicant's bond at the address of the surety given in said bond, postpaid and registered with request for return receipt. The director shall keep a record of all process so served upon him which record shall show the day and hour of service and shall retain the summons and complaint so served on him on file. Where the licensee is served with process by service thereof upon the director, the licensee shall have and be allowed thirty (30) days from and after the service thereof within which to answer any complaint or other pleading which may be filed in said cause; and provided further, that for purposes of venue, where the licensee is served with process by service thereof upon the director, the service shall be deemed to have been made upon the licensee in the county in which he has or last had his established place of business.

CHAPTER 661

An act to amend Section 26711 of the Vehicle Code, relating to movable eyeshades.

[Approved by Governor May 28, 1963. Filed with Secretary of State May 28, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 26711 of the Vehicle Code is amended to read:

26711. Every bus or trolley coach, except those first registered prior to January 1, 1960, and engaged in urban and suburban service as defined in Section 35107, shall be equipped with movable eyeshades of sufficient size to shade the eyes of the operator of a bus or trolley coach while it is being driven facing the sun.

CHAPTER 662

An act to amend Section 25630 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor May 30, 1963 Filed with Secretary of State May 31, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 25630 of the Business and Professions Code is amended to read:

25630. Every on- or off-sale licensee who sells, gives away, or furnishes any alcoholic beverage in any election district or precinct in any county where a statewide election is in progress, during the hours when by law the polls are required to be kept open for voting, shall be guilty of a misdemeanor.

CHAPTER 663

An act to amend Section 22150 of the Government Code, relating to public retirement systems, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 30, 1963 Filed with Secretary of State May 31, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 22150 of the Government Code is amended to read:

22150. Unless otherwise provided in this article, the board shall authorize a division of a retirement system upon the

request of any public agency having employees in positions covered by the system or upon authorization of the Legislature. An election among members of the system shall not be required. A retirement system as defined in subdivisions (d), (e), and (f) of Section 22009.1 shall be divided pursuant to this article only if such division is otherwise authorized by the Legislature. The board shall designate the person to conduct the division, as defined in subdivision (1) of Section 22009.1, of a retirement system.

For purposes of this section and all coverage procedures under this part subsequent to division of the retirement system defined in subdivision (g) of Section 22009.1 the University of California shall be deemed to be a public agency.

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

There are a number of older employees who will be able to receive benefits under the Federal Social Security Act if the public agency's retirement system can be integrated with the federal program, prior to the retirement of those older employees. Since compulsory retirement provisions make it impossible for some of these employees to delay retirement until these provisions take effect, it is necessary that this measure take effect immediately to allow these employees to receive benefits under the federal program.

CHAPTER 664

An act to repeal Sections 13303 and 13308 of, and amend Section 13304 of, the Education Code, relating to certificated employees of school districts.

[Approved by Governor May 31, 1963. Filed with Secretary of State May 31, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 13303 of the Education Code is repealed.

SEC. 2. Section 13308 of the Education Code is repealed.

SEC. 3. Section 13304 of the Education Code is amended to read:

13304. Every employee of a school district of any type or class having an average daily attendance of 250 or more who, after having been employed by the district for three complete consecutive school years in a position or positions requiring certification qualifications, is re-elected for the next succeeding school year to a position requiring certification qualifications shall, at the commencement of the succeeding school year be classified as and become a permanent employee of the district.

CHAPTER 665

An act to add Article 5.5 (commencing with Section 16221) to Chapter 2 of Division 12 the Education Code, relating to the sale or lease of school district property, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 31, 1963 Filed with Secretary of State May 31, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Article 5.5 (commencing with Section 16221) is added to Chapter 2 of Division 12 of the Education Code, to read:

Article 5.5. Sale or Lease of Property Between Districts With Coterminous Boundaries and Identical Board Members

16221. Whenever a high school district and a junior college district have coterminous boundaries and the same persons comprise both governing boards, either district may sell, exchange, grant or quitclaim all or any of its interest in, or may lease for a term not exceeding 99 years, to the other, any real property belonging to the district which is not or will not at the time of delivery of title or possession be needed for school classroom buildings by the district owning it, as provided in this article.

16222 Any sale, exchange, lease or grant of an interest in real property by a school district pursuant to Section 16221 shall be upon such terms and conditions as the parties thereto may agree and may be entered into without complying with any provisions of this code except as provided in this article.

16223. The district owning the property shall not enter into and be a party to any such sale, exchange or lease unless the following conditions have been met:

(a) A resolution authorizing such action and prescribing the terms of the sale, exchange or lease has been adopted by the unanimous vote of all the members elected or appointed to the board;

(b) Such resolution has been published in a newspaper of general circulation published in the district, or if there be no such newspaper, in a newspaper having a general circulation in the district, once a week for three weeks prior to the making of the sale, exchange or the execution of the lease by the board.

16224. In any lease made pursuant to this article, it shall be competent to provide that the school district lessee may purchase the property at an agreed purchase price and that rental paid for the use of the property shall be applied in whole or in part upon the purchase price. The school district lessee may cancel the lease at the end of any budgetary year,

and in such case shall not be obligated to complete the lease and shall be released from all obligations thereunder.

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Certain school districts are in need of classroom facilities which are available for lease or purchase from other school districts with which they share the same boundaries and governing board members. In order to facilitate such leases or purchases in time for the 1963-64 school year it is necessary that this act go into effect immediately.

CHAPTER 666

An act to amend Sections 12502, 12504, 12505, 12518, 12805 and 12809 of, and to add Section 246 to, the Vehicle Code, relating to certificates of compliance, the control of nonresident drivers and grounds requiring refusal of a driver's license.

[Approved by Governor May 31, 1963. Filed with Secretary of State May 31, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 246 is added to the Vehicle Code, to read:

246. A "certificate of compliance" is a certificate issued by the department, upon filing "proof of ability to respond in damages" as defined in Section 16430, to a nonresident minor who holds a valid driver's license issued to him by his home state or country.

SEC. 2. Section 12502 of said code is amended to read:

12502. A nonresident over the age of 21 years having in his immediate possession a valid driver's license issued to him by a foreign jurisdiction of which he is a resident may operate a motor vehicle in this State without obtaining a license under this code except as provided in Section 12505.

SEC. 3. Section 12504 of said code is amended to read:

12504. (a) The provisions of Sections 12502 and 12503 shall apply to any nonresident over the age of 16 years but under the age of 21 years, but the maximum period during which such nonresident may operate a motor vehicle in this State without obtaining a driver's license shall be limited to a period of 10 days immediately following the entry of the nonresident into this State except as provided in subdivision (b) of this section.

(b) Any nonresident over the age of 16 years but under the age of 21 years who is a resident of a foreign jurisdiction which requires the licensing of drivers may continue to operate

a motor vehicle in this State after 10 days from his date of entry into this State provided.

(1) He has a valid driver's license issued by such foreign jurisdiction in his immediate possession, and

(2) He has been issued by the department a certificate of compliance as defined in Section 246 which is also in his immediate possession.

(c) Whenever any of the conditions for the issuance of a certificate of compliance cease to exist, the department shall cancel and require the surrender to it of the certificate of compliance.

SEC. 4. Section 12505 of said code is amended to read:

12505. (a) Any person entitled to an exemption under Sections 12502, 12503, or 12504 may operate a motor vehicle in this State for not to exceed 10 days from the date he establishes residence in this State.

(b) Any person over the age of 16 years who is the resident of a foreign jurisdiction other than a state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico, having a valid driver's license issued to him by the jurisdiction may operate a motor vehicle in this State for not to exceed 10 days from the date he accepts employment in this State

SEC. 5. Section 12518 of said code is amended to read.

12518. The provisions of Section 12504 shall apply to any nonresident who is under the age of 21 years and who is a member of the armed forces of the United States on active duty within this State, except that the maximum period during which such nonresident may operate a motor vehicle in this State without obtaining a driver's license or certificate of compliance shall be limited to a period of 60 days immediately following the entry of such nonresident into this State.

SEC. 6. Section 12805 of said code is amended to read:

12805 The department shall not issue or renew a driver's license to any person:

(a) Who is not of legal age to receive such license.

(b) Who, because of excessive and continuous use of alcoholic liquors, is incapable of safely operating a motor vehicle, or who is addicted to the use of narcotic drugs or an habitual user of any other drug rendering the person incapable of safely operating a motor vehicle.

(c) Who is insane or feebleminded or an idiot or an imbecile

(d) Who is an epileptic

(e) Who is unable as shown by examination to understand traffic signs or signals or who does not have a reasonable knowledge of the provisions of this code governing the operations of vehicles upon the highways

(f) When it appears by examination or other evidence that such person is unable to operate a motor vehicle upon a highway safely because of physical or mental defect or lack of skill

(g) Who is unable to read and understand simple English used in highway traffic and directional signs. The provisions of this subdivision shall not apply to any person holding an operator's or chauffeur's license issued by this State and valid on September 11, 1957.

(h) Who holds a valid driver's license issued by a foreign jurisdiction unless he surrenders that license to the department.

(i) Who has ever held, or is the holder of a license to drive issued by another state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico, and such license has been suspended by reason, in whole or in part, of a conviction of a traffic violation until the suspension period has terminated, except as provided in subdivision (b) of Section 12806.

(j) Who has ever held, or is the holder of a license to drive issued by another state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico, and such license has been revoked by reason, in whole or in part, of a conviction of a traffic violation until the revocation has been terminated or after the expiration of one year from the date the license was revoked, whichever occurs first, except as provided in subdivision (b) of Section 12806.

SEC. 7. Section 12809 of said code is amended to read:

12809. The department may refuse to issue or renew a driver's license to any person:

(a) If the department is satisfied that the applicant is not entitled to the license under this code.

(b) If the applicant has failed to furnish the department the information required in the application or reasonable additional information requested by the department.

(c) If the department determines that the applicant has made or permitted unlawful use of any driver's license.

(d) If the department determines that such person has knowingly used a false or fictitious name in any application for a license, or has impersonated another in making application or in taking any test, or has knowingly made a false statement or knowingly concealed a material fact, or otherwise committed any fraud in any such application.

(e) If the department determines that the applicant is a negligent or incompetent operator of a motor vehicle.

(f) If the applicant is convicted of any offense involving the use or possession of narcotics under Division 10 (commencing with Section 11000) of the Health and Safety Code.

(g) If the applicant fails or refuses to surrender to the department, upon its lawful demand, a certificate of compliance which has been canceled.

CHAPTER 667

An act to amend Section 6457 of the Financial Code, relating to savings and loan associations.

[Approved by Governor May 31, 1963. Filed with Secretary of State May 31, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 6457 of the Financial Code is amended to read:

6457. No stock shall be issued for a consideration other than cash. Stock which has a par value shall not be issued for a consideration less than the par value. Stock which has no par value shall not be issued for a price less than that fixed by the commissioner. Notwithstanding the foregoing provisions of this section, an association with the consent of the commissioner may declare and distribute a stock dividend, and may issue stock for a consideration other than cash in connection with mergers, consolidations, or transfers pursuant to this part.

CHAPTER 668

An act to repeal Section 5257 of the Education Code, relating to maintenance of kindergarten where attendance is below minimum.

[Approved by Governor May 31, 1963. Filed with Secretary of State May 31, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 5257 of the Education Code is repealed

CHAPTER 669

An act to amend Section 1516 of the Code of Civil Procedure, relating to unclaimed property.

[Approved by Governor May 31, 1963. Filed with Secretary of State May 31, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 1516 of the Code of Civil Procedure is amended to read:

1516. (a) All abandoned property other than money and securities listed on any established stock exchange delivered to

the State Controller under this chapter shall be sold by the State Controller to the highest bidder at public sale in whatever city in the State affords in his judgment the most favorable market for the property involved The State Controller may decline the highest bid and reoffer the property for sale if he considers the price bid insufficient. He need not offer any property for sale if, in his opinion, the probable cost of sale exceeds the value of the property.

Securities listed on an established stock exchange shall be sold at the prevailing prices on said exchange.

(b) Any sale of abandoned property, other than money and securities listed on any established stock exchange, held under this section shall be preceded by a single publication of notice thereof, at least one week in advance of sale in an English language newspaper of general circulation in the county where the property is to be sold.

(c) The purchaser at any sale conducted by the State Controller pursuant to this chapter shall receive title to the property purchased, free from all claims of the owner or prior holder thereof and of all persons claiming through or under them. The State Controller shall execute all documents necessary to complete the transfer of title

(d) No action shall be brought or maintained by any person against the State or any officer thereof for or on account of any transaction entered into pursuant to and in accordance with the provisions of this section.

CHAPTER 670

An act to amend Section 22650 of the Education Code, relating to junior colleges.

[Approved by Governor May 31, 1963 Filed with Secretary of State May 31, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 22650 of the Education Code is amended to read:

22650. The public junior colleges are secondary schools and shall continue to be a part of the public school system of this State The State Board of Education shall prescribe minimum standards for the formation and operation of public junior colleges and exercise general supervision over public junior colleges.

CHAPTER 671

An act to add Sections 2504.1, 2584.1, and 25458.6 to the Education Code, relating to junior college district organization.

[Approved by Governor May 31, 1963. Filed with Secretary of State May 31, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 2584.1 is added to the Education Code, immediately following Section 2584 of said code as added by Chapter 1077 of the Statutes of 1961 or as subsequently amended, to read:

2584.1. The plans and recommendations for the formation of a junior college district prepared by a county committee on school district organization pursuant to this article on or after February 1, 1964, or pursuant to Chapter 9 (commencing with Section 3001) of this division prior to February 1, 1964, may propose the formation of a junior college district to include either all of a joint union high school district or all of that portion of the territory of the joint union high school which lies in the county in which the proposed junior college district is situated. Such a junior college district may be formed pursuant to such plans and recommendations notwithstanding any other provisions of this code requiring the formation of junior college districts composed of all of the territory of one or more high school districts.

The portion of a joint union high school district excluded from a proposed junior college district may be excluded only for the purpose of becoming a part of another contiguous junior college district. If the excluded portion fails to become a part of a junior college district within a period of three years after its exclusion it shall become a part of the junior college district of which the joint union high school district is a component. Any portion of a joint union high school district excluded from a newly formed junior college district under provisions of this section may be included in a proposal to form a new junior college district or annexed to a contiguous junior college district under provisions of Chapter 7 (commencing with Section 2551) or Chapter 9 (commencing with Section 3001) of Division 5 of this code.

Notwithstanding the provisions of Section 2581, this section shall become operative on the 91st day after adjournment of the 1963 Regular Session.

SEC. 2. Section 2504.1 is added to said code, to read:

2504.1. The plans and recommendations for the formation of a junior college district prepared by a county committee on school district organization pursuant to this article on or after February 1, 1964, or pursuant to Chapter 10 (commencing with Section 3101) of this division prior to February 1, 1964, may propose the formation of a junior college district to in-

clude either all of a joint union high school district or all of that portion of the territory of the joint union high school which lies in the county in which the proposed junior college district is situated. Such a junior college district may be formed pursuant to such plans and recommendations notwithstanding any other provisions of this code requiring the formation of junior college districts composed of all of the territory of one or more high school districts.

The portion of a joint union high school district excluded from a proposed junior college district may be excluded only for the purpose of becoming a part of another contiguous junior college district. If the excluded portion fails to become a part of a junior college district within a period of three years after its exclusion it shall become a part of the junior college district of which the joint union high school district is a component. Any portion of a joint union high school district excluded from a newly formed junior college district under provisions of this section may be included in a proposal to form a new junior college district or annexed to a contiguous junior college district under provisions of Chapter 7 (commencing with Section 2551) or Chapter 9 (commencing with Section 3001) of Division 5 of this code.

Notwithstanding the provisions of Section 2501, this section shall become operative on the 91st day after adjournment of the 1963 Regular Session.

SEC. 3. Section 25458.6 is added to said code, to read:

25458.6. The plans and recommendations for the formation of a junior college district prepared by a county committee on school district organization pursuant to this article on or after February 1, 1964, or prepared prior to February 1, 1964, pursuant to Chapter 9 (commencing with Section 3001) or Chapter 10 (commencing with Section 3101) of this division, whichever chapter is in effect, may propose the formation of a junior college district to include either all of a joint union high school district or all of that portion of the territory of the joint union high school which lies in the county in which the proposed junior college district is situated. Such a junior college district may be formed pursuant to such plans and recommendations notwithstanding any other provisions of this code requiring the formation of junior college districts composed of all the territory of one or more high school districts.

The portion of a joint union high school district excluded from a proposed junior college district may be excluded only for the purpose of becoming a part of another contiguous junior college district. If the excluded portion fails to become a part of a junior college district within a period of three years after its exclusion it shall become a part of the junior college district of which the joint union high school district is a component. Any portion of a joint union high school district excluded from a newly formed junior college district under provisions of this section may be included in a proposal to form a new junior college district or annexed to a con-

tiguous junior college district under provisions of Chapter 7 (commencing with Section 2551) or Chapter 9 (commencing with Section 3001) of Division 5 of this code.

Notwithstanding the provisions of Section 25457, this section shall become operative on the 91st day after adjournment of the 1963 Regular Session.

SEC. 4. Section 2 of this act becomes operative only if Senate Bill No. 718 of the 1963 Regular Session is enacted by the Legislature at such session and Senate Bill No. 78 of such session is not enacted by the Legislature at such session, and in case at the same time as said Senate Bill No. 718 takes effect, at which time Sections 2584.1 and 25458.6 added to the Education Code by this act are repealed.

Section 3 of this act becomes operative only if Senate Bill No. 78 of the 1963 Regular Session is enacted by the Legislature at such session, and, in such case at the same time as Senate Bill No. 78 takes effect, at which time Sections 2504.1 and 2584.1 added to the Education Code by this act are repealed.

CHAPTER 672

An act to add Section 31233.1 to the Education Code, relating to scholarships for the study of agriculture.

[Approved by Governor May 31, 1963. Filed with Secretary of State May 31, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 31233.1 is added to the Education Code, to read:

31233.1. On and after the effective date of this section no scholarships shall be awarded under this chapter except as provided in this section. Payments under scholarships awarded prior to the effective date of this section shall be continued for the period of the award. Scholarships awarded prior to such effective date may be renewed in accordance with Section 31232 and payments made under such renewals. Payments shall be made under scholarships granted prior to such effective date and held in trust pursuant to Section 31233, and such scholarships may be renewed, after such payments commence, in accordance with Section 31232, and payments made under such renewals.

In enacting this section it is the intent of the Legislature that, on and after the effective date of this section, applications for state scholarships for the study of the science of agriculture will be made and granted pursuant to Chapter 3 (commencing with Section 31201) of this division.

CHAPTER 673

An act to amend Sections 18, 21, 22, 23, 24, 25, 27, 28, 29, 30, 31, 32, 33, 34, 41, 42, 43, 44, 45, 46, 47, 49.5, 51, 52, 53, 54, 57, 62, 66, 67, 71, 77, 80, 84, 86 and 87 of, and to repeal Sections 63, 64 and 65 of, and to add Sections 74 and 88 to the San Diego Unified Port District Act (Chapter 67 of the Statutes of 1962, First Extraordinary Session), relating to the San Diego Unified Port District, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 31, 1963. Filed with Secretary of State May 31, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 18 of the San Diego Unified Port District Act (Chapter 67 of the Statutes of 1962, First Extraordinary Session) is amended to read:

Sec. 18. Immediately after their appointment, the commissioners shall enter upon the performance of their duties. The board shall annually elect one of its members as chairman and another as vice chairman, and shall also elect annually a secretary, who may or may not be a member of the board. A majority shall constitute a quorum for the transaction of business. The board shall make rules and regulations for its own government and procedure, and shall hold at least one regular meeting each month, and may hold such special meetings as it may deem necessary.

The commissioners shall be officers of the district and shall receive no salaries but shall be entitled to reimbursement for necessary traveling and other expenses incurred while engaged in the performance of their duties.

SEC. 2. Section 21 of said act is amended to read:

Sec. 21. The board may pass all necessary ordinances and resolutions for the regulation of the district.

The enacting clause of all ordinances passed by the board shall be in substantially the following form:

"The Board of Port Commissioners of San Diego Unified Port District do ordain as follows"

All ordinances and resolutions shall be signed by the chairman of the board and attested by the clerk.

All ordinances and resolutions shall be entered in the minutes. All ordinances passed by the board shall be published, within 15 days from the passage thereof, with the names of the members voting for and against them at least once in some daily newspaper of general circulation printed and published in the district.

Ordinances passed by the board shall not go into effect until the expiration of 30 days from their publication except ordinances ordering or otherwise relating to the following which shall take effect upon their publication:

(a) An election.

(b) The adoption of the annual budget.

(c) The bringing or conducting of suits or actions.

(d) The condemnation of private property for public use.

(e) The immediate preservation of the public peace, health or safety, which ordinance shall contain a specific statement showing its urgency and be passed by a two-thirds vote of the board.

A grant or franchise, lease, right or privilege shall never be construed to be an urgency measure.

All grants, franchises, leases, permits, rights or privileges for one year, or less, shall be made by the port director in accordance with such rules and regulations as the board shall prescribe by resolution, and all grants, franchises, leases, permits, rights or privileges for more than one year shall be made by ordinance. Irrevocable permits shall not be granted or issued to any person.

SEC. 3. Section 22 of said act is amended to read:

Sec. 22. The board may employ engineers, attorneys and any other officers and employees necessary in the work of the district. The port director shall appoint a treasurer whose duty it shall be to receive and safely keep all moneys of the district He shall comply with all provisions of law governing the deposit and securing of public funds. He shall pay out moneys only as authorized by the board and not otherwise; provided, however, that no authorization shall be necessary for the payment of principal and interest on bonds of the district. He shall at regular intervals, at least once each month, submit to the secretary of the district a written report and accounting of all receipts and disbursements and fund balances, a copy of which report he shall file with the board.

The treasurer may appoint a deputy or deputies for whose acts he and his bondsmen shall be responsible. Such deputy or deputies shall hold office subject to the pleasure of the treasurer and shall receive such compensation as may be provided by the board. The treasurer shall execute a bond covering the faithful performance by him of the duties of his office and his duties with respect to all moneys coming into his hands as treasurer in such amount as shall be fixed by resolution of said board. The surety bond herein required shall be executed only by a surety company authorized to do business in the State of California and the premium therefor shall be paid by the district. The bond shall be approved by the board and filed with the secretary of the district. The treasurer before entering upon the duties of his office shall take and file with the secretary of the district the oath of office required by the Constitution of this State.

SEC 4. Section 23 of said act is amended to read:

Sec. 23 The district and the board may sue and be sued in all actions and proceedings in all courts and tribunals of competent jurisdiction.

The district may also bring an action to determine the validity of any of its bonds, warrants, contracts, obligations or

evidences of indebtedness pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

SEC. 5. Section 24 of said act is amended to read:

Sec. 24. The board may adopt a seal for the district and alter it at pleasure.

SEC. 6. Section 25 of said act is amended to read:

Sec 25. The district may take by grant, purchase, gift, devise, lease or otherwise acquire, hold and enjoy and lease and dispose of real and personal property of every kind, within the district, necessary to the full or convenient exercise of its powers.

SEC. 7. Section 27 of said act is amended to read:

Sec. 27. The district may exercise the right of eminent domain within the boundaries of the district in the manner provided by law for the condemnation of private property for public use and take any property necessary or convenient to the exercise of its powers. In the proceedings relative to the exercise of such right the district has the same rights, powers and privileges as a municipal corporation.

SEC. 8. Section 28 of said act is amended to read:

Sec. 28 The district created in accordance with the provisions of this act is a public corporation created for the purposes set forth herein.

SEC. 9. Section 29 of said act is amended to read:

Sec. 29. The district may issue bonds, borrow money and incur indebtedness as authorized by law or in this act provided. The district may also refund any indebtedness as provided in this act or in any other applicable law, and may also refund, by the issuance of the same type of obligations as those refunded and following the same procedure as at that time may be applicable to the issuance of such obligations, and may retire any indebtedness or lien that may exist against the district or its property.

SEC. 10. Section 30 of said act is amended to read:

Sec. 30. The board may regulate and control the anchoring, mooring, towing, and docking of all vessels.

The district may perform the functions of warehousemen, stevedores, lighterers, reconditioners, shippers and reshippers of properties of all kinds

The board may manage the business of the district and promote the maritime and commercial interests by proper advertisement of its advantages and by the solicitation of business within or without the district, within other states or in foreign countries, through such employees or agencies as are expedient.

Within the boundaries of the district, the district may acquire, purchase, take over, construct, maintain, operate, develop, and regulate grain elevators, bunkering facilities, belt or other railroads, floating plants, lighterage, towage facilities, and any and all other facilities, aids, equipment, or property necessary for or incident to the development and operation of

a harbor or for the accommodation and promotion of commerce, navigation, fisheries, or recreation in the district.

SEC. 11. Section 31 of said act is amended to read:

Sec. 31. As to any service which the district is authorized to perform pursuant to the provisions of this act, the district may contract for the performance of such service by the city within which the particular tidelands are located.

SEC. 12. Section 32 of said act is amended to read:

Sec. 32. All district elections shall be held in accordance with the provisions of the Elections Code of the State of California, as the same now exist or may hereafter be amended, for the holding of elections in general law cities insofar as the same are not in conflict with this act.

SEC. 13. Section 33 of said act is amended to read:

Sec. 33. The provisions of the Elections Code of the State of California, as the same now exist or may hereafter be amended, governing the initiative and the referendum in districts shall apply insofar as such provisions of the Elections Code are not in conflict with this act. Officers of the district shall not be subject to recall.

SEC. 14. Section 34 of said act is amended to read:

Sec. 34. The board may, by resolution, order that any of the moneys in the funds under its control which are not necessary for current operating expenses be invested in any obligations, bonds or securities in which a general law city could invest such funds; provided, however, that (1) any such investment shall be made in such a manner that the moneys in such funds will be available at the times and in the amounts necessary to accomplish the purpose for which said funds were established, and (2) no such investment shall be made in contravention of any provision or covenant in any proceedings for the authorization and issuance of bonds, notes, contracts or other evidences of indebtedness.

SEC. 15. Section 41 of said act is amended to read:

Sec. 41. Notwithstanding any other provision of this act, the board may borrow money by issuance of negotiable promissory notes, or execute conditional sales contracts to purchase personal property, in an amount or of a value not exceeding in the aggregate at any one time the sum of two hundred thousand dollars ($200,000), for the purposes of the acquisition, construction, completion or repair of any or all improvements, works, property or facilities authorized by this act or necessary or convenient for the carrying out of the powers of the district.

Notwithstanding any other provision of this act, the board may borrow money, until June 30, 1967, by the issuance of negotiable promissory notes to provide working capital for the necessary expenses of conducting the district, provided that at the time of issuance of any such notes the aggregate amount of said notes outstanding and issued for such purpose shall not exceed one-fourth of the annual budget for such expenses for the fiscal year (or portion thereof in the case of 1962-1963) in which such borrowing occurs.

Notwithstanding any other provision of this act, the board may borrow money, until June 30, 1967, by the issuance of negotiable promissory notes, to provide any or all sums required to be paid under any or all contracts of assumption mentioned in Section 67 of this act.

Negotiable promissory notes issued pursuant to this section shall mature in not exceeding five years from their respective dates and shall bear interest at a rate or rates not exceeding 6 percent per annum payable annually or semiannually.

No conditional sales contract shall be for a term in excess of five years from the date of execution thereof.

The negotiable promissory notes and the conditional sales contracts shall contain such terms and provisions as the board shall specify in the ordinance providing for the issuance thereof. The negotiable promissory notes shall be signed in the same manner as general obligation bonds of the district and the conditional sales contracts shall be signed in the same manner as other contracts of the district.

As a condition precedent to the issuance of any negotiable promissory notes for the purposes of the acquisition, construction, completion or repair of any or all improvements, works, property or facilities authorized by this act or necessary or convenient for the carrying out of the powers of the district or the execution of any conditional sales contract for such purposes, as provided in this section, in excess of twenty-five thousand dollars ($25,000), the board shall first unanimously approve by resolution and have on file a report approved by the port director on the engineering and economic feasibility relating to the project contemplated for the expenditure of said borrowed money or conditional sales contract. Said feasibility report shall be prepared and signed by an engineer or engineers licensed and registered under the laws of the State of California.

Taxes for the payment of all negotiable promissory notes or conditional sales contracts issued under this section shall be levied, collected, paid to the district and used in the same manner as is hereinafter provided for general obligation bonds of the district.

SEC. 16. Section 42 of said act is amended to read:

Sec. 42. Whenever the board deems it necessary for the district to incur a general obligation bonded indebtedness for the acquisition, construction, completion or repair of any or all improvements, works, property or facilities, authorized by this act or necessary or convenient for the carrying out of the powers of the district, it shall, by ordinance, adopted by two-thirds of all members of the board, so declare and call an election to be held in said district for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of general obligation bonds of said district. Said ordinance shall state:

(a) The purpose for which the proposed debt is to be incurred, which may include expenses of all proceedings for the authorization, issuance and sale of the bonds.

(b) The estimated cost of accomplishing said purpose.

(c) The amount of the principal of the indebtedness.

(d) The maximum term the bonds proposed to be issued shall run before maturity, which shall not exceed 40 years from the date thereof or the date of each series thereof.

(e) The maximum rate of interest to be paid, which shall not exceed 6 percent per annum.

(f) The proposition to be submitted to the voters.

(g) The date of the election.

(h) The manner of holding the election and the procedure for voting for or against the measure.

Notice of the holding of such election shall be given by publishing, pursuant to Section 6066 of the Government Code, the ordinance calling the election in at least one newspaper published in such district. No other notice of such election need be given. Except as otherwise provided in the ordinance, the election shall be conducted as other district elections.

If any proposition is defeated by the electors, the board shall not call another election on a substantially similar proposition to be held within six months after the prior election. If a petition requesting submission of such a proposition, signed by 15 percent of the district electors, as shown by the votes cast for all candidates for Governor at the last election, is filed with the board, it may call an election before the expiration of six months.

If two-thirds of the electors voting on the proposition vote for it, then the board may, by resolution, at such time or times as it deems proper, issue bonds of the district for the whole or any part of the amount of the indebtedness so authorized and may from time to time, in such resolution or resolutions, provide for the issuance of such amounts as the necessity thereof may appear, until the full amount of such bonds authorized shall have been issued. Said full amount of bonds may be divided into two or more series and different dates and different dates of payment fixed for the bonds of each series. A bond need not mature on an anniversary of its date. The maximum term the bonds of any series shall run before maturity shall not exceed 40 years from the date of each series respectively. In such resolution or resolutions the board shall prescribe the form of the bonds and the form of any coupons to be attached thereto. the registration, conversion and exchange privileges, if any, pertaining thereto, and fix the time when the whole or any part of the principal shall become due and payable.

The bonds shall bear interest at a rate or rates not exceeding 6 percent per annum, payable semiannually, except that the first interest payable on the bonds or any series thereof may be for any period not exceeding one year as determined by the board. In the resolution or resolutions providing for the issuance of such bonds the board may also provide for call and

redemption of such bonds prior to maturity at such times and prices and upon such other terms as it may specify, provided that no bond shall be subject to call or redemption prior to maturity unless it contains a recital to that effect or unless a statement to that effect is printed thereon. The denomination or denominations of the bonds shall be stated in the resolution providing for their issuance, but shall not be less than one thousand dollars ($1,000). The principal of and interest on such bonds shall be payable in lawful money of the United States at the office of the treasurer of the district or at such other place or places as may be designated, or at either place or places at the option of the holders of the bonds. The bonds shall be dated, numbered consecutively and shall be signed by the chairman and treasurer, countersigned by the clerk and the official seal of the district attached. The interest coupons of such bonds shall be signed by the treasurer. All such signatures, countersignatures and seal may be printed, lithographed or mechanically reproduced, except that one of such signatures or countersignatures on the bonds shall be manually affixed. If any officer whose signature or countersignature appears on bonds or coupons ceases to be such officer before the delivery of the bonds, his signature is as effective as if he had remained in office.

The bonds may be sold as the board determines by resolution but for not less than par. Before selling the bonds, or any part thereof, the board shall give notice inviting sealed bids in such manner as it may prescribe. If satisfactory bids are received the bonds offered for sale shall be awarded to the highest responsible bidder. If no bids are received or if the board determines that the bids received are not satisfactory as to price or responsibility of the bidders the board may reject all bids received, if any, and either readvertise or sell the bonds at private sale.

Delivery of any bonds may be made at any place either inside or outside the State, and the purchase price may be received in cash or bank credits.

All accrued interest received on the sale of bonds shall be placed in the fund to be used for the payment of principal of and interest on the bonds and the remainder of the proceeds of the bonds shall be placed in the treasury to the credit of the proper improvement fund and applied exclusively to the purpose for which the debt was incurred; provided, however, that when said purpose has been accomplished any moneys remaining in such improvement fund (a) shall be transferred to the fund to be used for the payment of principal of and interest on the bonds, or (b) shall be placed in a fund to be used for the purchase of outstanding bonds of the district. The bonds may be purchased only after publishing pursuant to Section 6066 of the Government Code in the district a notice inviting sealed proposals for the sale of bonds to the district. Such notice shall state the time and place when proposals will be opened and the amount of money available for the purchase

of the bonds and the maximum price to be paid for said bonds so purchased. Said notice may be published elsewhere in the United States in the discretion of the board. The board may reject any or all proposals and if it rejects all thereof, may within a period of 30 days thereafter purchase for cash any outstanding bonds of the district but in that event the purchase price shall not be more than the lowest purchase price at which bonds were tendered to the district in the public bidding Any bonds so purchased shall be canceled immediately.

After the expiration of three years after a general obligation bond election the board may determine, by ordinance adopted by two-thirds of all the members of the board, that any or all of the bonds authorized at said election remaining unsold shall not be issued or sold. When the ordinance takes effect, the authorization to issue said bonds shall become void.

Whenever the board deems that the expenditure of money for the purpose for which the bonds were authorized by the voters is impractical or unwise, it may, by ordinance adopted by two-thirds of all members of the board, so declare and call an election to be held in the district for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of such bonds for some other purpose. The procedure, so far as applicable, shall be the same as when a bond proposition is originally submitted.

The board may provide for the issuance, sale or exchange of refunding bonds to redeem or retire any bonds issued by the district upon the terms, at the times and in the manner which it determines Refunding bonds may be issued in a principal amount sufficient to pay all or any part of the principal of such outstanding bonds, the interest thereon and the premiums, if any, due upon call and redemption thereof prior to maturity and all expenses of such refunding. The provisions for this section for authorization, issuance and sale of bonds shall apply to the authorization, issuance and sale of such refunding bonds; except that when refunding bonds are to be exchanged for outstanding bonds the method of exchange shall be as determined by the board.

The district shall not incur a general obligation bonded indebtedness which in the aggregate exceeds 15 percent of the assessed value of all real and personal property in the district.

SEC. 17. Section 43 of said act is amended to read:

Sec. 43. All bonds issued pursuant to Section 42 of this act are general obligations of the district and at the time of making the general tax levy after the incurring of any such bonded indebtedness, and annually thereafter until the bonds are paid or until there is a sum in the treasury of the district set apart for that purpose sufficient to meet all payments of principal and interest on the bonds as they become due, the board must cause a tax to be levied and collected annually, as hereinafter provided in Sections 44 and 45 of this act, sufficient to pay the interest on the bonds and such part of the principal as will

become due before the proceeds of a tax levied at the next general tax levy will be available.

SEC. 18. Section 44 of said act is amended to read:

Sec. 44. The board shall, at least 30 days before the board of supervisors is required by law to fix the general tax levy, certify to the board of supervisors in writing the minimum amount of money required to be raised by taxation during the fiscal year for the payment of the principal of and interest on any general obligation bonded debt of the district that will become due before the proceeds of a tax levied at the next general tax levy will be available. To the extent that, pursuant to this act or otherwise, moneys are on hand and have been set aside in the proper special fund for the purpose of paying such principal and interest, the amount of money required to be raised by taxation during the fiscal year may be reduced and if all of the moneys required to be raised by such annual tax levy are actually on hand and have been set aside in said fund for said purpose from some such other source, the tax levy hereinbefore required for such year need not be made.

SEC. 19. Section 45 of said act is amended to read:

Sec. 45. The taxes required to be levied by Sections 43 and 44 of this act shall be levied upon all property within the district taxable for county purposes and shall be in addition to any and all other taxes levied by the board of supervisors and it shall be the duty of the officer, officers or body having authority to levy taxes within the county to levy the taxes so required. It shall be the duty of all county or other officers charged with the duty of collecting taxes to collect such taxes in the time, form and manner as county taxes are collected and when collected to pay the same to the district. All such taxes shall be of the same force and effect as taxes levied for county purposes and their collection may be enforced by the same means as provided for the collection of county taxes. Such taxes shall be used only for the payment of the bonds and interest thereon.

SEC. 20. Section 46 of said act is amended to read:

Sec. 46. On or before the 15th day of June of each year, the district board shall estimate and determine the amount of money required by the district and shall adopt a preliminary budget which shall be divided into the following main classes:

(1) Ordinary annual expenses.

(2) Capital outlay and Capital Outlay Fund.

(3) Prior indebtedness.

SEC. 21. Section 47 of said act is amended to read:

Sec. 47. On or before the 15th day of June of each year, the board shall publish a notice pursuant to Section 6061 of the Government Code in the district stating:

(1) That the preliminary budget has been adopted and is available at a time and at a place within the district specified in the notice for inspection by interested taxpayers.

(2) That on a specified date not less than one month after the publication of the notice and at a specified time and place, the district board will meet for the purposes of fixing the final budget, and that any taxpayer may appear and be heard regarding the increase, decrease or omission of any item in the budget, or for the inclusion of additional items.

SEC. 22. Section 49.5 of said act is amended to read:

Sec. 49.5. The board of supervisors shall at the time of levying the county taxes levy the taxes required by other sections of this act and also a tax upon all the taxable property within the district sufficient to meet the amounts set forth in the final budget submitted by the district board. The money when collected by the tax collector of the county shall be paid to the treasurer of said district; provided further, that any levy for capital outlay or for Capital Outlay Fund shall not exceed three cents ($0 03) per hundred dollars ($100) assessed valuation of all real and personal property in the district.

SEC. 23. Section 51 of said act is amended to read:

Sec. 51. Whenever the board deems it necessary for the district to incur a revenue bonded indebtedness for the acquisition, construction, completion or repair of any or all improvements, works, property or facilities authorized by this act or necessary or convenient for the carrying out of the powers of the district, the board shall issue such revenue bonds in accordance with the provisions of the Revenue Bond Law of 1941, as the same now exists or may hereafter be amended; provided, however, that:

(a) By ordinance adopted by two-thirds of all the members of the board and subject to referendum, the board may provide for the issuance of such bonds, and, unless said ordinance is subjected to referendum, no election shall be required to authorize the issuance of the bonds. A petition protesting against the adoption of such ordinance shall be signed by voters of the district equal in number of at least 5 percent of the entire vote cast within the district for all candidates for Governor at the last gubernatorial election.

(b) The aggregate amount of revenue bonds outstanding at any one time which have not been authorized or approved at an election shall not exceed ten million dollars ($10,000,000).

(c) Any provisions of the Revenue Bond Law of 1941 which are inconsistent with the provisions of this act shall not be applicable.

SEC. 24. Section 52 of said act is amended to read:

Sec. 52. The accounts of the district shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants and a copy of the audit report shall be filed with the clerk for inspection by any person or persons interested.

SEC. 25 Section 53 of said act is amended to read:

Sec 53. Any territory annexed in accordance with law to a city specified in this act shall, upon the completion of such

annexation proceedings, be deemed incorporated into and annexed to the district. In addition to the annexation of territory to the district as a result of it being annexed to such a city, there may be annexed to the district any of the following territory which is in the same county as the district:

a. Any territory contiguous to the district.

b. Any territory, any point of which touches the district.

c. Any territory separated from the district by a "separating barrier," which term includes a street, road, highway, railway line, railway crossing, railway right-of-way, watercourse, lagoon, or other natural barrier.

Any territory specified in this section may consist of one or more separate parcels of land, but it is not necessary that all parcels shall constitute in the aggregate one tract of land.

SEC. 26. Section 54 of said act is amended to read:

Sec. 54. Any territory specified in subdivision a, b or c of Section 53 may be annexed in the manner provided for sanitary districts in the Health and Safety Code. The alteration of boundaries shall be ordered by the board of supervisors of the county in which the property is located.

SEC. 27. Section 57 of said act is amended to read:

Sec. 57. The board may acquire, construct, erect, maintain or operate within the district, all improvements, utilities, appliances or facilities which are necessary or convenient for the promotion and accommodation of commerce, navigation, fisheries, and recreation, or their use in connection therewith upon the lands and waters under the control and management of the board, and it may acquire, maintain and operate facilities of all kinds within the district.

SEC. 28. Section 62 of said act is amended to read:

Sec. 62. The district may contribute money to the federal or the state government or to the county in which it is located or to any city within the district, for the purpose of defraying the whole or a portion of the cost and expenses of work and improvement to be performed, either within or without the territorial limits of the district, by the federal, state, county or city government, in improving rivers, streams, or in doing other work, when such work will improve navigation and commerce, in or to the navigable waters in the district.

SEC. 29. Section 63 of said act is repealed.

SEC. 30. Section 64 of said act is repealed.

SEC. 31. Section 65 of said act is repealed.

SEC. 32. Section 66 of said act is amended to read:

Sec. 66. Notwithstanding any other provisions of this act or any other law, the provisions of all ordinances, resolutions and other proceedings in the issuance by the district of any general obligation bonds, general obligation bonds with a pledge of revenues, revenue bonds, negotiable promissory notes, or any and all evidences of indebtedness or liability shall constitute a contract between the district and the holders of such bonds, notes or evidences of indebtedness or liability

and the provisions thereof and the provisions of this act shall be enforceable against the district, any or all of its successors or assigns, by mandamus or any other appropriate suit, action or proceeding in law or in equity in any court of competent jurisdiction. Nothing contained in this act or in any other law shall be held to relieve the district or the territory included within it from any bonded or other debt or liability contracted by the district. Upon dissolution of the district or upon withdrawal of territory therefrom, the property formerly included within the district or withdrawn therefrom shall continue to be liable for the payment of all bonded and other indebtedness or liabilities outstanding at the time of such dissolution or withdrawal the same as if the district had not been so dissolved or the territory withdrawn therefrom, and it shall be the duty of the successors or assigns to provide for the payment of such bonded and other indebtedness and liabilities. Except as may be otherwise provided in the proceedings for the authorization, issuance and sale of any revenue bonds or general obligation bonds secured by a pledge of revenues, revenues of any kind or nature derived from any revenue-producing improvements, works, facilities or property owned, operated or controlled by the district shall be pledged, charged, assigned and have a lien thereon for the payment of such bonds as long as the same are outstanding, regardless of any change in ownership, operation or control of such revenue-producing improvements, works, facilities or property and it shall, in such later event or events, be the duty of the successors or assigns to continue to maintain and operate such revenue-producing improvements, works, facilities or property as long as such bonds are outstanding.

SEC. 33. Section 67 of said act is amended to read:

Sec. 67. The district shall take over and assume indebtedness incurred for development of tide and submerged lands of the county or any city specified in this act which shall have heretofore issued bonds or created any indebtedness for harbor development or improvement in the Bay of San Diego in the manner and with the effect set forth in the following entitled contracts:

(1) Assumption Agreement, between San Diego Unified Port District and the City of San Diego, dated February 14, 1963, Port Clerk Document No. 72.

(2) Assumption Agreement, between San Diego Unified Port District and the City of Chula Vista, dated February 26, 1963, Port Clerk Document No. 101.

and the district, the board and any other public agencies, boards, councils and officers mentioned in such contracts shall take all acts and proceedings necessary to carry into effect the provisions of said contracts. Said contracts are hereby confirmed, validated and declared legally effective, including, without limitation, all acts and proceedings of the parties thereto done or taken with respect to said contracts prior to the date thereof. The provisions of this section shall operate

to supply such legislative authorization as may be necessary to confirm, validate and make legally effective any such contracts and the proceedings taken in connection therewith prior to the date thereof which the Legislature could have supplied or provided for in the law under which such acts or proceedings were taken.

SEC. 34. Section 71 of said act is amended to read.

Sec. 71. Upon the establishment of the district, all persons then occupying the several offices of or under the government, of the county and each of the cities included therein, except as otherwise provided, whose several powers and duties are within the powers of the district or within the powers or duties of the several officers thereof, shall immediately quit and surrender the occupancy or possession of such offices which shall thereupon cease and determine, except as to any persons who have powers and perform duties for the county and the cities other than those mentioned, whose offices shall not cease and determine as to such other powers and duties but shall continue with respect thereto the same as if the district had not been established.

Notwithstanding the provisions contained in this section, all employees of the county and any city performing duties in connection with the Port of San Diego or the respective harbor departments, shall be blanketed in as employees of the district; and the district is empowered to: (a) contract with the State Employees' Retirement System and may provide retirement and disability benefits for employees under the State Employees' Retirement System pursuant to its rules and regulations, or (b) contract with any city included within the district which has a retirement system for retirement and disability benefits for district employees. The district may, by contract, continue such employees of the district so blanketed in as members of the retirement system of which they were members while they were employees of the respective cities.

SEC. 35. Section 74 is added to said act, to read:

Sec. 74. Bonds, notes and other evidences of indebtedness issued or incurred by the district shall be signed as provided in the section of this act applicable thereto or as provided in any other law applicable thereto; provided, however, that if the particular section or law does not prescribe the method of such execution, the method provided for general obligation bonds of the district shall apply so far as applicable. All other contracts of the district shall be executed in such manner as the board may fix by resolution.

SEC. 36. Section 77 of said act is amended to read:

Sec. 77. The salaries or wages of all officers and employees of the district shall be paid at such regular periods as the board by ordinance may determine.

SEC. 37. Section 80 of said act is amended to read:

Sec 80. All money received or collected from or arising out of the use or operation of any harbor or port improvement, work, appliance, facility or utility, or vessel, owned, controlled

or operated by the district; all tolls, charges and rentals collected by the board, and all compensations or fees required to be paid for franchises or licenses, or otherwise by law or ordinance or order, to the district for the operation of any public service utility upon lands or waters under the control and management of the board, shall be deposited in the treasury of the district to the credit of a fund to be known as the San Diego Unified Port District Revenue Fund. The money in or belonging to the fund shall not be appropriated or used for any purpose except those enumerated in this act and such enumeration shall not be deemed to create any priority of one use or purpose over another.

SEC. 38. Section 84 of said act is amended to read:

Sec 84. The money in the fund may also be used for the payment of the principal, or interest, or both, of district bonds authorized, issued and sold pursuant to this act and for the establishment and maintenance of bond service funds, sinking funds, reserve funds or other funds or accounts established to secure the payment of principal of, interest on, or redemption of or for the security of such bonds.

SEC. 39. Section 86 of said act is amended to read.

Sec. 86 The port director may make application in writing to the board for a transfer of amounts from one appropriated item to another in the budget allowance On the approval of the board by a two-thirds vote, the auditor shall make such transfer; but a transfer shall not be made except as herein provided. Any transfer of bond or note proceeds or of bond or note service, reserve or sinking funds shall be made only as provided in the proceedings authorizing the issuance of such bonds.

SEC 40. Section 87 of said act is amended to read:

Sec. 87. (a) The tide and submerged lands conveyed to the district by any city included in the district shall be held by the district and its successors in trust and may be used for purposes in which there is a general statewide purpose, as follows:

(1) For the establishment, improvement and conduct of a harbor, and for the construction, reconstruction, repair, maintenance, and operation of wharves, docks, piers, slips, quays, and all other works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient, for the promotion and accommodation of commerce and navigation.

(2) For all commercial and industrial uses and purposes, and the construction, reconstruction, repair and maintenance of commercial and industrial buildings, plants and facilities.

(3) For the establishment, improvement and conduct of airport and heliport or aviation facilities, including but not limited to approach, takeoff and clear zones in connection with airport runways, and for the construction, reconstruction, repair, maintenance and operation of terminal buildings, runways, roadways, aprons, taxiways, parking areas, and all other works, buildings, facilities, utilities, structures and appliances

incidental, necessary or convenient for the promotion and accommodation of air commerce and air navigation.

(4) For the construction, reconstruction, repair and maintenance of highways, streets, roadways, bridges, belt line railroads, parking facilities, power, telephone, telegraph or cable lines or landings, water and gas pipelines, and all other transportation and utility facilities or betterments incidental, necessary or convenient for the promotion and accommodation of any of the uses set forth in this section.

(5) For the construction, reconstruction, repair, maintenance and operation of public buildings, public assembly and meeting places, convention centers, parks, playgrounds, bathhouses and bathing facilities, recreation and fishing piers, public recreation facilities, including but not limited to public golf courses, and for all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any such uses.

(6) For the establishment, improvement and conduct of small boat harbors, marinas, aquatic playgrounds and similar recreational facilities, and for the construction, reconstruction, repair, maintenance and operation of all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any of such uses, including but not limited to snack bars, cafes, restaurants, motels, launching ramps and hoists, storage sheds, boat repair facilities with cranes and marine ways, administration buildings, public restrooms, bait and tackle shops, chandleries, boat sales establishments, service stations and fuel docks, yacht club buildings, parking areas, roadways, pedestrian ways and landscaped areas.

(b) The district or its successors shall not, at any time, grant, convey, give or alienate said lands, or any part thereof, to any individual, firm or corporation for any purposes whatever; provided, that said district, or its successors, may grant franchises thereon for limited periods, not exceeding 66 years, for wharves and other public uses and purposes, and may lease said lands, or any part thereof, for limited periods, not exceeding 66 years, for purposes consistent with the trusts upon which said lands are held by the State of California, and with the requirements of commerce and navigation, and collect and retain rents and other revenues from such leases, franchises and privileges. Such lease or leases, franchises and privileges may be for any and all purposes which shall not interfere with commerce and navigation.

(c) Said lands shall be improved without expense to the State; provided, however, that nothing contained in this section shall preclude expenditures for the development of said lands for any public purpose not inconsistent with commerce, navigation and fishery, by the State, or any board, agency or commission thereof, when authorized or approved by the district, nor by the district of any funds received for such pur-

pose from the State or any board, agency or commission thereof.

(d) In the management, conduct, operation and control of said lands or any improvements, betterments, or structures thereon, the district or its successors shall make no discrimination in rates, tolls or charges for any use or service in connection therewith.

(e) The State of California shall have the right to use without charge any transportation, landing or storage improvements, betterments or structures constructed upon said lands for any vessel or other watercraft, aircraft, or railroad owned or operated by the State of California.

(f) There is hereby reserved to the people of the State of California the right to fish in the waters on said lands with the right of convenient access to said water over said lands for said purpose.

(g) There is hereby excepted and reserved in the State of California all deposits of minerals, including oil and gas, in said lands, and to the State of California, or persons authorized by the State of California, the right to prospect for, mine, and remove such deposits from said lands.

(h) Said lands shall be held subject to the express reservation and condition that the State may at any time in the future use said lands or any portion for highway purposes without compensation to the district, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements, betterments or structures have been placed upon the property taken by the State for said purposes, compensation shall be made to the district, its successors or assigns, or any person, firm or public or private corporation entitled thereto for the value of his or its interest in the improvements, betterments or structures taken or the damages to such interest.

(i) The State Lands Commission shall, at the cost of the district, survey and monument said lands and record a description and plat thereof in the office of the County Recorder of San Diego County.

(j) As to any tide and submerged lands conveyed to the district by a city which are subject to a condition contained in a grant of said lands to the city by the State that said lands shall be substantially improved within a designated period or else they shall revert to the State, such condition shall remain in effect as to said lands and shall be applicable to the district.

As to any tide and submerged lands conveyed to the district by a city which are not subject to such a condition contained in a grant by the State and which have not heretofore been substantially improved, said lands, within 10 years from the effective date of this act, shall be substantially improved by the district without expense to the State. If the State Lands Commission determines that the district has failed to improve said lands as herein required, all right, title and interest of

the district in and to said lands shall cease and said lands shall revert and rest in the State.

SEC. 41. Section 88 is added to said act, to read:

SEC. 88. If any section, subdivision, sentence, clause, or phrase of this act, or the application thereof to any person or circumstances, is for any reason held invalid, the validity of the remainder of the act, or the application of such provision to other persons or circumstances, shall not be affected thereby. The Legislature hereby declares that it would have passed this act, and each section, subdivision, sentence, clause, and phrase thereof, irrespective of the fact that one or more sections, subdivisions, sentences, clauses or phrases, or the application thereof to any person or circumstance, be held invalid.

SEC. 42. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The provisions of this act are urgently required to permit the district which has already been formed under the San Diego Unified Port District Act, to take immediate action to carry out the purposes of such law, including, without limitation, the police, fire and sanitation duties.

CHAPTER 674

An act to amend Section 933 of the Penal Code, relating to grand juries.

[Approved by Governor May 31, 1963. Filed with Secretary of State June 1, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 933 of the Penal Code is amended to read:

933. On or before December 31 of each year, each grand jury impaneled during that calendar year shall submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government.

No later than the 60th day after the discharge of said grand jury, the board of supervisors shall comment on the findings and recommendations of a grand jury that pertain to county government matters under the control of the board and every elective county officer shall report to the board of supervisors on the findings and recommendations pertaining to such county officer. All such comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury for the previous calendar year. A copy thereof shall be placed on file with the county clerk and shall remain on file in the office of the county clerk.

CHAPTER 675

An act to amend Sections 12701 1, 12714, and 12716 of the Business and Professions Code, relating to weighmasters.

[Approved by Governor May 31, 1963 Filed with Secretary of State June 1, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 12701 1 of the Business and Professions Code is amended to read:

12701 1 All license fees collected under the provisions of this chapter shall be paid into the State Treasury and credited to the Department of Agriculture Fund to be expended by the department for the administration and enforcement of this chapter

SEC 2. Section 12714 of said code is amended to read:

12714. In all cases where scrap metal and salvage materials are purchased or sold by dealers, brokers or commission merchants on the basis of weight, such scrap metal and salvage material shall be weighed by a public weighmaster licensed under the laws of this State and a certificate of such weight shall be issued to the seller with a duplicate copy of such certificate issued to the buyer, and settlement for such materials shall be made on the weight shown thereon When the weight indications are readily accessible and clearly readable to both the buyer and seller, at time of weighing a public weighmaster certificate of weights and measures need be issued only when requested by the buyer or seller

SEC. 3. Section 12716 of said code is amended to read·

12716. The director may make such rules and regulations as are reasonably necessary for the purpose of carrying out the provisions of this chapter. Adoption of such rules and regulations shall be in accordance with the provisions of Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code.

CHAPTER 676

An act to amend Section 226 of the Civil Code, relating to adoption proceedings.

[Approved by Governor May 31, 1963 Filed with Secretary of State June 1, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 226 of the Civil Code is amended to read:

226. Any person desiring to adopt a child may for that purpose petition the superior court of the county in which the

petitioner resides and the clerk of the court shall immediately notify the State Department of Social Welfare at Sacramento in writing of the pendency of the action and of any subsequent action taken. In all cases in which consent is required, except in the case of an adoption by a stepparent where one natural or adoptive parent retains his or her custody and control of the child, unless an agency licensed by the State Department of Social Welfare to find homes for children and place children in homes for adoption joins in the petition for adoption, the petition shall contain an allegation that the petitioners will file promptly with the department or the county adoption agency information required by the department in the investigation of the proposed adoption. The department or county adoption agency shall interview the parties to the adoption as soon as possible and in any event within 45 days after the filing of the adoption petition. The consent of the natural parent or parents to the adoption by the petitioners must be signed in the presence of an agent of the State Department of Social Welfare or of a licensed county adoption agency on a form prescribed by such department and filed with the clerk of the superior court, in the county of the petitioner's residence.

Such consent, when reciting that the person giving it is entitled to the sole custody of the minor child, shall, when duly acknowledged before such agent, be prima facie evidence of the right of the person making it to the sole custody of the child and such person's sole right to consent.

In all cases of adoption in which no agency licensed to place children for adoption is a party, except in the case of an adoption by a stepparent where one natural or adoptive parent retains his or her custody and control of the said child, it shall be the duty of the Department of Social Welfare or of the licensed county adoption agency to accept the consent of the natural parents to the adoption of the child by the petitioners and to ascertain whether the child is a proper subject for adoption and whether the proposed home is suitable for the child, prior to filing its report with the court.

In all cases in which the consent of the natural parent or parents is not necessary and an agency licensed to place children for adoption is not a party to the petition, the State Department of Social Welfare or the licensed county adoption agency shall, prior to the hearing of the petition, file its consent to the adoption with the clerk of the superior court of the county in which the petition is filed. Such consent shall not be given by the Department of Social Welfare or the licensed county adoption agency unless the child's welfare will be promoted by the adoption.

Except in the case of the adoption of a child by a stepparent where one natural or adoptive parent retains his or her custody and control of the child, it shall be the duty of the Department of Social Welfare or of the licensed county adoption agency to submit to the court a full report of the facts disclosed by its inquiry with a recommendation regarding the

granting of the petition within 180 days after the filing of the petition. In those cases in which the investigation establishes that there is a serious question concerning the suitability of the petitioners or the care provided the child or the availability of the consent to adoption the report shall be filed immediately. The court may allow such additional time for the filing of said reports as in its discretion it may see fit, after at least five days' notice to the petitioner or petitioners and opportunity for such petitioner or petitioners to be heard with respect to the request for additional time. The report required of the Department of Social Welfare or of the licensed county adoption agency may be waived by the department in all cases in which an agency, licensed by the Department of Social Welfare to place children in homes for adoption, is a party or joins in the petition for adoption. Such waiver may be issued by the department at any time, either before or after the filing of the petition for adoption.

Whenever any report or findings are submitted to the court by the Department of Social Welfare or by a licensed county adoption agency under any provision of this section, a copy of such report or findings, whether favorable or unfavorable, shall be given to the attorney for the petitioner in the proceedings, if the petitioner has an attorney of record, or to the petitioner.

If the findings of the State Department of Social Welfare or the county adoption agency are that the home of the petitioners is not suitable for the child or that the required consents are not available and it recommends that the petition be denied, or if the petitioners desire to withdraw the petition, and it recommends that the petition be denied, the county clerk upon receipt of the report of the State Department of Social Welfare or the county adoption agency shall immediately refer it to the superior court for review.

Upon receipt of such reports the court shall set a date for a hearing of the petition and shall give reasonable notice of such hearing to the agency, the petitioners, and the natural parents, by certified mail to the address of each as shown in the proceeding.

The department or county agency shall appear to represent the child.

In case of an adoption of a child by a stepparent where one natural or adoptive parent retains his or her custody and control of said child, the consent of either or both parents must be signed in the presence of a county clerk or probation officer of any county of this State on a form prescribed by the State Department of Social Welfare and the county clerk or probation officer before whom such consent is signed shall immediately file said consent with the clerk of the superior court of the county where the petition is filed and said clerk shall immediately file a certified copy of such consent to adoption with the State Department of Social Welfare.

If the father or mother of a child to be adopted is outside the State of California at the time of signing consent, his or her consent may be signed before a notary or other person authorized to perform notarial acts, and in such case the consent of the Department of Social Welfare or of a licensed county adoption agency will also be necessary, but such consent shall not be necessary where the adoption is by a stepparent and one natural parent retains custody and control of the child

A parent who is a minor shall have the right to sign a consent for the adoption of his or her child and such consent shall not be subject to revocation by reason of such minority.

If for a period of 180 days from the date of filing the petition, or upon the expiration of any extension of said period granted by the court, the Department of Social Welfare or the licensed county adoption agency fails or refuses to accept the consent of the natural parent or parents to the adoption, or if said department or agency fails or refuses to file or to give its consent to an adoption in those cases where its consent is required by this chapter, either the natural parent or parents or the petitioner may appeal from such failure or refusal to the superior court of the county in which the petition is filed, in which event the clerk shall immediately notify the Department of Social Welfare of such appeal and the department or agency shall within 10 days file a report of its findings and the reasons for its failure or refusal or consent to the adoption or to accept the consent of the natural parent After the filing of said findings, the court may, if it deems that the welfare of the child will be promoted by said adoption, allow the signing of the consent by the natural parent or parents in open court, or if the appeal be from the refusal of said department or agency to consent thereto, grant the petition without such consent.

CHAPTER 677

An act to amend Section 69955 of the Government Code, relating to destruction of reporting notes in civil and criminal cases.

[Approved by Governor May 31, 1963 Filed with Secretary of State June 1, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 69955 of the Government Code is amended to read:

69955. The reporting notes of both official and pro tempore court reporters are official records of the court and shall be kept by the reporter taking the notes in such place or places as may be designated by the court, or, upon order of the court, filed with the county clerk.

No official or pro tempore court reporter may destroy the reporting notes taken by him, and no county clerk may destroy the reporting notes filed with him until after 10 years from the taking of the notes and upon the order of the court.

CHAPTER 678

An act to amend Section 631.3 of the Code of Civil Procedure, relating to jury fees not refunded.

[Approved by Governor May 31, 1963. Filed with Secretary of State June 1, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 631.3 of the Code of Civil Procedure is amended to read:

631.3. Notwithstanding any other provision of law, when a party to the litigation has deposited jury fees with the judge or clerk and the case is settled or a continuance is granted on motion of the party depositing said jury fees, none of said deposit shall be refunded if the court finds there has been insufficient time to notify the jurors that the trial would not proceed at the time set. If said jury fees so deposited are not refunded for the reasons herein specified, or if jury fees deposited with the judge or clerk have not been refunded within three years after the action was dismissed or a final judgment rendered therein because the depositor thereof cannot be found, said fees shall revert to the county and be deposited in the general fund of the county. All jury fees and mileage fees that may accrue by reason of a juror serving on more than one case in the same day shall revert to the county and be deposited in the general fund of the county.

CHAPTER 679

An act to add Section 13502.5 to the Education Code, relating to salaries of certificated employees.

[Approved by Governor May 31, 1963. Filed with Secretary of State June 1, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 13502.5 is added to the Education Code, to read:

13502.5. The governing board of each school district shall adopt and cause to be printed and made available to each certificated employee a schedule of salaries to be paid.

CHAPTER 680

An act to amend Sections 13, 14, 15, 17, and 37 of the Napa County Flood Control and Water Conservation District Act (Chapter 1449, Statutes of 1951, as amended), relating to taxation and bonds of the Napa County Flood Control and Water Conservation District, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 31, 1963. Filed with Secretary of State June 1, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 13 of the Napa County Flood Control and Water Conservation District Act (Chapter 1449, Statutes of 1951) is amended to read:

Sec. 13. The board shall have power, in any year:

1. To levy ad valorem taxes or assessments upon all property in the district to pay the general administrative costs and expenses of the district, and to carry out any of the objects or purposes of this act of common benefit to the district; provided, however, that said ad valorem tax or assessment shall not exceed fifteen cents ($0 15) on each one hundred dollars ($100) of assessed valuation.

2. To levy taxes or assessments upon all property in each or any of said zones and participating zones to pay the cost and expenses of carrying out, constructing, maintaining, operating, extending, repairing or otherwise improving any or all works or improvements established or to be established within or on behalf of said respective zones, by either of the following methods:

(a) By a levy or assessment upon all property within a zone or participating zone, including land, improvements thereon, and personal property;

(b) By a levy or assessment upon all real property within a zone or participating zones, including both land and improvements thereon.

It is declared that for the purposes of any tax or assessment levied under this subdivision, the property so taxed or assessed within a given zone is equally benefited.

3. To levy taxes or assessments by either method authorized by subdivision 2 of this section in each or any of said zones, according to the special benefits derived or to be derived by the specific properties therein to pay the cost and expenses of carrying out any of the objects or purposes of this act of special benefit to such zone or zones, including the constructing, maintaining, operating, extending, repairing, or otherwise improving any or all works of improvement established or to be established within or on behalf of said respective zone or zones.

In the event of project co-operation with any of the governmental bodies as authorized in subdivision 7 of Section 5 of

this act, and the making of a contract with any such governmental body for the purposes set forth in said subdivision 7, by the terms of which work is agreed to be performed by any such governmental body in any specified zone or participating zones, for the particular benefit thereof, and by said contract it is agreed that the district is to pay to such governmental body, a sum of money in consideration or subvention for the performance of said work by such governmental body, the board may levy and collect a special tax or assessment upon the property in such zone or participating zones, whereby to raise funds to enable the district to make such payment, in addition to other taxes or assessments herein otherwise provided for.

Said taxes or assessments shall be levied and collected together with, and not separately from taxes for county purposes, and the revenues derived from said district taxes or assessments shall be paid into the county treasury to the credit of said district, or the respective zones thereof, and the board shall have the power to control and order the expenditure thereof for said purposes; provided, however, that no revenues, or portions thereof, derived in any of the several zones from the taxes or assessments levied under the provisions of subdivision 2 or 3 of this section shall be expended for constructing, maintaining, operating, extending, repairing or otherwise improving any works or improvements located in any other zone, except in the case of joint projects, or for projects authorized or established outside such zone, or zones, but for the benefit thereof. In cases of projects joint to two or more zones, such zones will become, and shall be referred to as, participating zones.

SEC. 2. Section 14 of said act is amended to read:

Sec. 14. (1) Whenever the board determines that a bonded indebtedness should be incurred to pay the cost of any work or improvement in any zone or zones, the board may by resolution, determine and declare the respective amounts of bonds necessary to be issued in each zone in order to raise the amount of money necessary for each work or improvement and the denomination and maximum rate of interest of said bonds. The board shall cause a copy of the resolution, duly certified by the clerk, to be filed for record in the office of the recorder of Napa County within five (5) days after its issuance From and after said filing of said copy of said resolution the board shall be deemed vested with the authority to proceed with the bond election.

(2) After the filing for record of the resolution specified in subdivision (1) of this section, the board may call a special bond election in said zone or participating zones at which shall be submitted to the qualified electors of said zone or participating zones the question whether or not bonds shall be issued in the amount or amounts determined in said resolution and for the purpose or purposes therein stated. Said bonds and the interest thereon shall be paid from revenue

derived from annual taxes or assessments levied as provided in this act.

(3) Said board shall call such special bond election by ordinance and not otherwise and submit to the qualified electors of said zone or participating zones the proposition of incurring a bonded debt in said zone or participating zones in the amount and for the purposes stated in said resolution and shall recite therein the objects and purposes for which the indebtedness is proposed to be incurred; provided, that it shall be sufficient to give a brief, general description of such objects and purposes, and refer to the recorded copy of such resolution adopted by said board, and on file for particulars; and said ordinance shall also state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor, and the maximum rate of interest to be paid on said indebtedness, and shall fix the date on which such special election shall be held, and the form and contents of the ballot to be used. The rate of interest to be paid on such indebtedness shall not exceed five percent (5%) per annum For the purposes of said election, said board shall in said ordinance establish special bond election precincts within the boundaries of each zone and participating zone and may form election precincts by consolidating the precincts established for general elections in said district to a number not exceeding six general precincts for each such special bond election precinct, and shall designate a polling place and appoint one inspector, one judge and one clerk for each of such special bond election precincts

In all particulars not recited in said ordinance, such special bond election shall be held as nearly as practicable in conformity with the general election laws of the State.

Said board shall cause a map or maps to be prepared covering a general description of the work to be done, which said map shall show the location of the proposed works and improvements and shall cause the said map to be posted in a prominent place in the county courthouse for public inspection for at least thirty (30) days before the date fixed for such election.

Said ordinance calling for such special bond election shall, prior to the date set for such election, be published pursuant to Government Code Section 6066 in a newspaper of general circulation circulated in each zone and participating zone affected. The last publication of such ordinance must be at least fourteen (14) days before said election, and if there be no such newspaper, then such ordinance shall be posted in five public places designated by the board, in each zone and participating zone for at least thirty (30) days before the date fixed for such election. No other notice of such election need be given nor need polling place cards be issued.

Any defect or irregularity in the proceedings prior to the calling of such special bond election shall not affect the validity of the bonds authorized by said election. Where a project affects a single zone only, if at such election two-thirds (⅔)

of the votes cast in said zone on the proposition of incurring a bonded indebtedness are in favor thereof, then bonds for such zone for the amount stated in such proceedings shall be issued and sold as in this act provided. Where the incurring of a bonded indebtedness by participating zones is to be determined at such election, no bonds for any of such participating zones shall be issued or sold unless two-thirds ($\frac{2}{3}$) of the votes cast on the proposition in each such participating zone are in favor of incurring a bonded indebtedness to be undertaken by such zone.

SEC. 3. Section 15 of said act is amended to read:

Sec. 15. The board shall, subject to the provisions of this act, prescribe by resolution the form of said bonds, which must include a designation of the zone or participating zones affected, and of the interest coupons attached thereto. Said bonds shall be payable annually or semiannually at the discretion of the board each and every year on a day and date, and at a place to be fixed by said board, and designated in such bonds, together with the interest on all sums unpaid on such date until the whole of said indebtedness shall have been paid.

The board may divide the principal amount of any issue into two or more series and fix different dates for the bonds of each series The bonds of one series may be made payable at different times from those of any other series. The maturity of each series shall comply with this section. The board may fix a date, not more than two years from the date of issuance, for the earliest maturity of each issue or series of bonds The final maturity date shall not exceed 40 years from the time of incurring the indebtedness evidenced by each issue or series The board may provide that any bond may be subject to call and redemption prior to maturity at such times and prices and upon such other terms as the board may specify. If a bond is subject to call and redemption prior to maturity, that fact shall be stated in the bond.

The bonds shall be issued in such denominations as the board may determine, except that no bonds shall be of a less denomination than one hundred dollars ($100), nor of a greater denomination than one thousand dollars ($1,000), and shall be payable on the days and at the place fixed in said bonds, and with interest at the rate specified in such bonds, which rate shall not be in excess of five per centum (5%) per annum, and shall be made payable annually or semiannually, and said bonds shall be numbered consecutively and shall be signed by the chairman of the board, and countersigned by the auditor of said district, and the seal of said district shall be affixed thereto by the clerk of the board. The interest coupons of said bonds shall be numbered consecutively and signed by the said auditor by his engraved or lithographed signature. In case any such officer whose signatures or countersignatures appear on the bonds or coupons shall cease to be such officer

before the delivery of such bonds to the purchaser, such bonds and coupons, and signatures or countersignatures shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of the bonds.

SEC. 4. Section 17 of said act is amended to read:

Sec. 17. Said bonds and the interest thereon shall be paid by revenue derived from an annual tax or assessment, levied as provided in clause (a) or (b) of subdivision 2 of Section 13 of this act. No zone nor the property therein shall be liable for the share of bonded indebtedness of any other zone, nor shall any moneys derived from taxation or assessment in any of the several zones be used in payment of principal or interest or otherwise of the share of bonded indebtedness chargeable to any other zone.

SEC. 5. Section 37 of said act is amended to read:

Sec. 37. (a) Zones may be dissolved as provided in Article 10 (commencing at Section 58300) of Chapter 1 or Article 1 (commencing at Section 58950) of Chapter 4 of Title 6 of the Government Code, and references in such laws to "districts" shall, for such purposes, be deemed to refer to "zones."

(b) If a zone project has been completed or if the purpose for which a zone was established has otherwise been accomplished or if the board determines not to undertake such zone project or not to perform any part of the purpose for which such zone was established, and if there are no bonds or any other indebtedness outstanding which is payable from taxes or assessments on any property in such zone, then the board may dissolve such zone by resolution of the board.

SEC. 6. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

A flood control and water conservation project is urgently needed within Napa County Flood Control and Water Conservation District and within a zone thereof to be created. Such project can be financed only by bonds of such zone to be authorized at a bond election which must be held in said zone as soon as possible. The amendments to the Napa County Flood Control and Water Conservation District Act set forth in this act must be effective before said bond election is called so that said zone may be properly formed and so that, if said bonds are authorized at said election, said project can be properly financed on terms that are in the best interests of said district by a bond issue that is marketable and that will not jeopardize the financing of future projects in said district. It is accordingly necessary that this act take effect immediately.

CHAPTER 681

An act to amend Section 13470 of the Education Code, relating to bereavement leave of absence.

[Approved by Governor May 31, 1963. Filed with Secretary of State June 1, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 13470 of the Education Code is amended to read:

13470. Every person employed by a school district in a position requiring certification qualifications is entitled to three days' leave of absence for the death of any member of his immediate family, and to such additional days therefor as the governing board of the district may allow. No deduction shall be made from the salary of such employee on account of such leave of absence. The governing board may enlarge the benefits of this section.

"Member of his immediate family" as used in this section means the mother, mother-in-law, father, father-in-law, husband, wife, son, daughter, brother, or sister of the employee, or any relative living in the immediate household of the employee.

CHAPTER 682

An act to repeal Section 9654 of, and to amend Section 9653.1 of, the Education Code, relating to state textbooks.

[Approved by Governor May 31, 1963. Filed with Secretary of State June 1, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 9654 of the Education Code is repealed.

SEC. 2. Section 9653.1 of said code is amended to read:

9653.1. The governing board of any school district may purchase copies of a state supplementary textbook or state basic textbook which are in addition to the number of copies of the particular state textbook provided free to the district by the State. Such copies shall be sold to the school district pursuant to this section for a price which does not exceed their cost price which shall be established by the State Board of Education.

CHAPTER 683

An act to amend Section 951 of the Probate Code, relating to the estates of decedents.

[Approved by Governor May 31, 1963. Filed with Secretary of State June 1, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 951 of the Probate Code is amended to read:

951. As soon as he has sufficient funds in his hands, after retaining sufficient to pay the expenses of administration, the executor or administrator must pay the funeral expenses, the expenses of the last illness, the family allowance, and wage claims to the extent of nine hundred dollars ($900) of each employee of decedent for work done or personal services rendered within 90 days prior to the death of the employer; but he is not obliged to pay any other debt or any legacy until, as prescribed in this article, the payment has been ordered by the court.

CHAPTER 684

An act to add Section 103.9 to the Welfare and Institutions Code, relating to the appointment of guardians for recipients of public social services.

[Approved by Governor May 31, 1963. Filed with Secretary of State June 1, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 103.9 is added to the Welfare and Institutions Code, to read:

103.9. When an applicant for or recipient of public social services is incapable of managing his own resources and planning or carrying out arrangements for his own care and maintenance, and the applicant or recipient cannot secure the services of a private attorney, the county counsel at the request of the county department, or the district attorney, if a county counsel does not exist, shall initiate and carry out proceedings for the appointment of a public or private guardian, or for changing the form of legal protection when this is indicated. Costs incurred in such proceedings for the protection of needy applicants or recipients, when not available from the person's own resources, shall be a proper welfare administrative or service cost, except where a relative engages a private attorney to accomplish this purpose.

CHAPTER 685

An act to amend Sections 12699 and 12700 of the Water Code, relating to the Russian River flood control project, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 31, 1963. Filed with Secretary of State June 1, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 12699 of the Water Code is amended to read:

12699. The Sonoma County Flood Control and Water Conservation District and the Mendocino County Russian River Flood Control and Water Conservation Improvement District, or either such agency as appropriate, shall give assurances satisfactory to the Secretary of the Army that the local cooperation, required by Section 201 of the act of Congress approved May 17, 1950 (Public Law 516, 81st Congress, Second Session), will be furnished by the districts in connection with the plan of flood control adopted and authorized in Section 12698.

SEC. 2. Section 12700 of said code is amended to read:

12700. The Sonoma County Flood Control and Water Conservation District and the Mendocino County Russian River Flood Control and Water Conservation Improvement District, or either such agency as appropriate, in conjunction with the Department of the Army, shall execute the plans and projects referred to in Section 12698 and exercise all powers granted by law to the districts, and the districts may make such modifications and amendments to the plans as may be necessary to execute them for the purposes of Chapters 1 and 2 of this part.

SEC. 3. There is hereby appropriated out of the General Fund in the State Treasury the sum of six thousand six hundred dollars ($6,600) to the Department of Water Resources for reallocation and payment to the Mendocino County Russian River Flood Control and Water Conservation Improvement District to reimburse it for expenditures incurred for the acquisition of lands, easements, and rights-of-way in connection with the plan of flood control adopted and authorized in Section 12698 of the Water Code.

SEC. 4. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In 1961, the Mendocino County Russian River Flood Control and Water Conservation Improvement District spent six thousand six hundred dollars ($6,600) for lands, easements and rights-of-way in connection with the plan of flood control adopted and authorized in Section 12698 of the Water

Code on the understanding it would be reimbursed by the State. It was subsequently discovered there were no funds available to the Department of Water Resources for such reimbursement to the district. The district urgently needs the funds now to continue competent administration of the district's flood control and conservation projects. It is therefore necessary that this act go into immediate effect.

CHAPTER 686

An act to amend Section 1656 of the Vehicle Code, relating to copies of the Vehicle Code.

[Approved by Governor May 31, 1963. Filed with Secretary of State June 1, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 1656 of the Vehicle Code is amended to read:

1656. (a) The department shall publish the complete text of the California Vehicle Code together with other laws relating to the use of highways or the operation of motor vehicles at least once every two years and may republish the code and laws and distribute the same as may be deemed advisable without charge upon written request of any state or local governmental officer or agency, or of any federal agency. Paperback copies of the Vehicle Code may be distributed without charge to any public secondary school in this State in quantities not to exceed one for each driver training and education instructor and one for each public secondary school library. The department shall sell and distribute the California Vehicle Code to all other persons upon the payment of one dollar ($1) per copy. The receipts from the sale of such publications shall be deposited in the Motor Vehicle Fund. Any funds remaining in the Vehicle Code publication account on the effective date of the amendment of this section in 1963 shall be transferred to the Motor Vehicle Fund.

(b) The department shall publish a synopsis or summary of the laws regulating the operation of vehicles and the use of the highways and may deliver a copy thereof without charge with each original vehicle registration and with each original driver's license. The department shall furnish copies to its field offices and to law enforcement agencies for general distribution and, when it does so, shall furnish the copies without charge.

CHAPTER 687

An act to amend Section 938.1 of the Penal Code, relating to transcripts of grand jury proceedings.

[Approved by Governor May 31, 1963. Filed with Secretary of State June 1, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 938.1 of the Penal Code is amended to read:

938.1. If an indictment has been found or accusation presented against a defendant, such stenographic reporter shall certify and file with the county clerk an original transcription of his shorthand notes and a copy thereof and as many additional copies as there are defendants, other than fictitious defendants, regardless of the number of charges or fictitious defendants included in the same investigation. The reporter shall complete such certification and filing within 10 days after the indictment has been found or the accusation presented unless the court for good cause makes an order extending the time. The time shall not be extended more than 20 days. The county clerk shall deliver the original of the transcript so filed with him to the district attorney immediately upon his receipt thereof, shall retain one copy for use only by judges in proceedings relating to the indictment or accusation, and shall deliver a copy of such transcript upon each such defendant or his attorney. If the copy of the testimony is not served as provided in this section the court shall on motion of the defendant continue the trial to such time as may be necessary to secure to the defendant receipt of a copy of such testimony 10 days before such trial. The county clerk shall not exhibit the transcript to any person other than the district attorney nor divulge any of its contents until after the defendant is in custody. If several criminal charges are investigated against a defendant on one investigation and thereafter separate indictments are returned or accusations presented upon said several charges, the delivery to such defendant or his attorney of one copy of the transcript of such investigation shall be a compliance with this section as to all of such indictments or accusations.

CHAPTER 688

An act to amend Sections 260, 465, and 9400 of, and to add Sections 243 and 362 to, the Vehicle Code, and to amend Section 10753 of the Revenue and Taxation Code, relating to motor vehicle fees.

[Approved by Governor May 31, 1963. Filed with Secretary of State June 1, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 243 is added to the Vehicle Code, to read:

243. A "camper" is a structure designed to be mounted upon a motor vehicle and to provide facilities for human habitation or camping purposes.

SEC. 2. Section 260 of said code is amended to read:

260. (a) A "commercial vehicle" is a vehicle of a type required to be registered under this code used or maintained for the transportation of persons for hire, compensation, or profit or designed, used, or maintained primarily for the transportation of property.

(b) Passenger vehicles which are not used for the transportation of persons for hire, compensation, or profit and house cars are not commercial vehicles. This subdivision shall not apply to Chapter 4 (commencing at Section 6700) of Division 3.

SEC. 3. Section 362 is added to said code, to read:

362. A "house car" is a motor vehicle originally designed, or permanently altered, and equipped for human habitation, or to which a camper has been attached and which is not used to transport property on its own structure other than property used for human habitation or camping purposes. A motor vehicle designed primarily to transport property to which a camper has been temporarily attached is not a house car.

SEC. 4. Section 465 of said code is amended to read:

465. A "passenger vehicle" is any motor vehicle, other than a motor truck or truck tractor, designed for carrying not more than nine persons including the driver, and used or maintained for the transportation of persons. The term "passenger vehicle" shall include a house car.

SEC. 5. Section 9400 of said code is amended to read:

9400. (1) In addition to any other registration fee there shall be paid the fees set forth in this section for the registration of commercial vehicles, except vehicles designed to transport property which are used exclusively to transport passengers without the owner thereof receiving compensation or profit for the transportation. Whenever a camper is temporarily attached to a motor vehicle designed to transport property, such motor vehicle shall be subject to the fees imposed by this section. The camper shall be deemed to be a load, and fees imposed by this section upon the motor vehicle shall be

based upon the unladen weight of such motor vehicle, exclusive of the camper.

(a) For any electric vehicle designed, used, or maintained as described in this section, fees shall be paid for registration according to the following schedule:

Unladen weight	Fee
Less than 6,000 lbs.	$48
6,000 lbs. or more but less than 10,000 lbs.	96
10,000 lbs. or more	128

(b) For any motor vehicle having not more than two axles and designed, used or maintained as described in this section, other than an electric vehicle, fees shall be paid for registration according to the following schedule:

Unladen weight	Fee
3,000 lbs. to and including 4,000 lbs.	$14
4,001 lbs. to and including 5,000 lbs.	27
5,001 lbs. to and including 6,000 lbs.	40
6,001 lbs. to and including 7,000 lbs.	54
7,001 lbs. to and including 8,000 lbs.	67
8,001 lbs. to and including 9,000 lbs.	80
9,001 lbs. to and including 10,000 lbs.	94
10,001 lbs. to and including 11,000 lbs.	107
11,001 lbs. to and including 12,000 lbs.	120
12,001 lbs. to and including 13,000 lbs.	134
13,001 lbs. to and including 14,000 lbs.	147
14,001 lbs. and over	160

(c) For any motor vehicle having three or more axles or for any trailer, semitrailer, pole or pipe dolly, logging dolly or other dolly designed, used or maintained as described in this section, other than an electric vehicle, fees shall be paid for registration according to the following schedule:

Unladen weight	Fee
2,000 lbs. to and including 3,000 lbs.	$11
3,001 lbs to and including 4,000 lbs.	20
4,001 lbs. to and including 5,000 lbs.	40
5,001 lbs. to and including 6,000 lbs.	60
6,001 lbs to and including 7,000 lbs.	80
7,001 lbs to and including 8,000 lbs	100
8,001 lbs. to and including 9,000 lbs.	120
9,001 lbs. to and including 10,000 lbs.	140
10,001 lbs. to and including 11,000 lbs.	160
11,001 lbs. to and including 12,000 lbs.	180
12,001 lbs. to and including 13,000 lbs.	200
13,001 lbs. to and including 14,000 lbs.	220
14,001 lbs. to and including 15,000 lbs.	240
15,001 lbs. and over	267

(2) In addition to any other registration fee there may be paid the following fee for registration of any commercial motor vehicle with an unladen weight of less than 3,000 pounds—fee—$10.

SEC. 6. Section 10753 of the Revenue and Taxation Code is amended to read:

10753. (a) For the purposes of this part the market value of vehicles shall be determined by the department upon the basis of the California delivered prices as established by the manufacturers or distributors in their selling agreements with authorized dealers as of the time the particular make and year model is first offered for sale in California, subject to the exceptions, procedures and classifications as set forth in this part.

(b) In the event the California delivered price of a commercial vehicle has reference only to such vehicle without a body or other essential part, the department shall determine the market value of the body or such other essential part of the vehicle on the basis of the cost price to the purchaser as evidenced by a certificate of cost, but not including California sales or use tax or any local sales or other local tax.

(c) In the event the department is unable to ascertain the California delivered price as defined above in respect to any vehicle or class of vehicles by reason of the same being a specially constructed vehicle, or for any other reason, the department shall determine the market value upon the basis of the cost price to the purchaser of the vehicle as evidenced by a certificate of cost, but not including California sales or use tax or any local sales or other local tax.

(d) In the event any vehicle is modified or additions are made to the chassis or body at a cost of two hundred dollars ($200) or more, but not including any change of engine of the same type or any cost of repairs to a vehicle, the owner of such vehicle shall report any said modification or additions to the department and the department shall classify or reclassify the vehicle in its proper class as provided in Section 10753 2, taking into consideration the increase in the market value of the vehicle due to such modifications or additions, and any reclassification resulting in increase in market value shall be based on the cost to the consumer of such modifications or additions. In the event any vehicle is modified or altered resulting in a decrease in the market value thereof of two hundred dollars ($200) or more as reported to and determined by the department, the department shall classify or reclassify the vehicle in its proper class as provided in Section 10753.2.

The foregoing provisions of this subdivision shall not apply in the event the cost of any modification or additions to the chassis or body of a vehicle is less than two hundred dollars ($200).

(e) The temporary attachment of any camper, as defined in Section 243 of the Vehicle Code, to a vehicle is not a modification or addition for the purposes of subdivision (d).

CHAPTER 689

An act to amend Section 86 of the Agricultural Code, relating to fairs and expositions.

[Approved by Governor May 31, 1963. Filed with Secretary of State June 1, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 86 of the Agricultural Code is amended to read:

86. Each district agricultural association is a state institution. Each association by its name has perpetual succession, may have a seal, and may be sued; provided, however, that claims against district agricultural associations shall be presented to the State Board of Control in accordance with Section 641 of the Government Code, and, with the approval of the Department of Finance, may:

(a) Contract, and sue.

(b) Purchase, acquire, hold, sell, exchange or convey any interest in real or personal property and beautify or improve such property. Any acquisition of land or other real property shall be subject to the provisions of the Property Acquisition Law (Part 11, commencing with Section 15850, Division 3, Title 2, of the Government Code).

(c) Lease, let or grant licenses for the use of its real estate or personal property or any portion thereof to any person or public body for whatever purpose may be approved by the board of directors and the Department of Finance.

(d) Use or manage its real estate or personal property or any part thereof for any or all of the foregoing purposes jointly with any lessee, sublessee or licensee, or otherwise use or manage said property in connection with such lease, sublease or license heretofore or hereinafter made or granted.

(e) Lease or let its real property for public park, recreational, or playground purposes.

(f) Rent or permit the use of its premises for purposes beneficial to the agricultural industry, including but not limited to the holding of sales or auctions of cattle or other livestock.

(g) Contract with any county or county fair association for holding a fair jointly with the same. Such joint fair shall constitute a district fair of the association.

(h) Do any and all things necessary to carry out the above powers and the objects and purposes for which the association is formed.

CHAPTER 690

An act to amend Sections 6545 and 6546 of the Business and Professions Code, relating to the practice of barbering.

[Approved by Governor May 31, 1963. Filed with Secretary of State June 1, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 6545 of the Business and Professions Code is amended to read:

6545. Any person is qualified to receive a certificate of registration to practice barbering if he complies with each of the following:

(a) He is qualified under the provisions of Section 6546 of this chapter.

(b) He is at least 19 years of age.

(c) He is of good moral character and temperate habits.

(d) He has practiced as a registered apprentice for a period of 18 months under the immediate personal supervision and employment of a registered barber, except that a registered apprentice who completes a 12-months' apprenticeship program approved by the board and established under the provisions of Chapter 4 (commencing with Section 3070) of Division 3 of the Labor Code shall be required to serve as a registered apprentice for a period of only 15 months.

(e) He has passed a satisfactory examination conducted by the board to determine his fitness to practice barbering.

An applicant for a certificate of registration to practice as a registered barber who fails to pass a satisfactory examination conducted by the board, shall continue to practice as an apprentice for at least 6 months, but for no more than 12 months, under the immediate personal supervision and employment of a registered barber, before he is again entitled to take the examination, except that the board may extend the 12-month period upon showing of good cause, which shall include but not be limited to delays in applying for and taking the examination caused by any illness of or accident to the apprentice or service in the armed forces of the United States.

SEC. 2. Section 6546 of said code is amended to read:

6546 Any person is qualified to receive a certificate of registration as a registered apprentice if he complies with each of the following:

(a) He has completed the proper grade in school as provided in Section 6546 5, or has an equivalent education, as determined by an examination conducted by an examining agency prescribed by the board

(b) He is at least 17½ years of age

(c) He is of good moral character and temperate habits.

(d) He has graduated from a college approved by the board.

(e) He has passed a satisfactory examination conducted by the board to determine his fitness to practice as a registered apprentice.

Any applicant for a certificate of registration to practice as an apprentice who fails to pass a satisfactory examination shall complete a further course of study of not less than 250 hours to be completed within 3 months of not more than 8 hours in any one working day, in a college approved by the board.

No person holding a certificate of registration as a registered apprentice shall work for more than two years as an apprentice without applying for and taking the examination for a certificate to practice as a registered barber, except that the board may extend the two-year period upon showing of good cause, which shall include but not be limited to delays in applying for and taking the examination caused by illness of or accident to the apprentice or service in the armed forces of the United States.

CHAPTER 691

An act to amend Section 717.1 of the Code of Civil Procedure, relating to proceedings supplemental to execution.

[Approved by Governor May 31, 1963 Filed with Secretary of State June 1, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 717.1 of the Code of Civil Procedure is amended to read:

717.1. Neither a judgment debtor nor a debtor of a judgment debtor shall be required to attend before a judge or referee outside of the county in which he resides or in which he has a place of business unless the distance is less than 150 miles from his place of residence or his place of business to the place of trial.

No process to require the attendance, pursuant to this chapter, of a debtor of a judgment debtor, shall be effective unless, at the time of service of process, the person serving same tenders to such person mileage fees in the amount of fifteen cents ($0.15) per mile necessary to be traveled, one way, from such person's residence to the court or other place where attendance is sought. Such mileage fees shall be an item of costs chargeable to the judgment debtor, and the court may, pursuant to Section 719, order the application of any property of the judgment debtor to the satisfaction of such costs.

CHAPTER 692

An act to amend Section 710 of the Probate Code, relating to claims against estates.

[Approved by Governor May 31, 1963. Filed with Secretary of State June 1, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 710 of the Probate Code is amended to read:

710. When a claim is filed with the clerk before being presented to the executor or administrator, it shall be filed in duplicate. The clerk shall immediately deliver or mail to the executor or administrator, or his attorney, one of the duplicates of the claim. The executor or administrator must allow or reject it, and his allowance or rejection must be in writing and filed with the clerk. If he allows the claim, the clerk, immediately after the filing of the allowance, must present the claim and the allowance to the judge, and at the same time must indorse on the claim the date of such presentation. The judge must indorse upon the claim his approval or rejection, with the date thereof.

CHAPTER 693

An act to amend Sections 6519, 6550 and 6552 of the Elections Code, relating to nomination of candidates.

[Approved by Governor May 31, 1963. Filed with Secretary of State June 1, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 6519 of the Elections Code is amended to read:

6519. The county clerk shall, immediately after receipt thereof, certify and transmit to the Secretary of State the personal declaration of candidacy or acceptance for each candidate for state office, United States Senator, Representative in Congress, Member of the State Senate or Assembly, judges of the superior court, or office to be voted for in a district comprising more than one county.

SEC. 2. Section 6550 of said code is amended to read:

6550. All declarations of candidacy and sponsor certificates shall be filed as follows:

(a) For state offices, United States Senators, Representatives in Congress, Members of the State Senate and Assembly, judges of the superior court, and all officers to be voted for in more than one county, in the office of the Secretary of State.

(b) For all officers to be voted for wholly within one county, except as provided in subdivision (a) of this section, in the office of the county clerk of that county.

SEC. 3. Section 6552 of said code is amended to read:

6552. The following fees for filing declarations of candidacy shall be paid to the Secretary of State by each candidate:

(a) Two percent of the first year salary for the office of United States Senator or for any state office. The fee prescribed in this subdivision does not apply to the office of State Senator or Assemblyman or to an office to be voted for in a district comprising more than one county.

(b) One percent of the first year salary for the office of Representative in Congress, judge of the superior court, or for any office to be voted for in any district comprising more than one county, except the office of State Senator or Assemblyman.

(c) Twenty dollars ($20) for the office of State Senator or Assemblyman.

CHAPTER 694

An act to amend Sections 940, 942, and 964 of Division 4 of the Education Code, as proposed to be added by Senate Bill No. 718, and to amend Sections 1061 and 25416 of, and to repeal Sections 1361 and 1423 of, the Education Code, relating to schools.

[Approved by Governor May 31, 1963. Filed with Secretary of State June 1, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 1061 of the Education Code is amended to read:

1061. The board of school trustees shall hold an annual organizational meeting on a day within the period of July 1 to July 15, inclusive. Unless otherwise provided by rule of the board of trustees, the day and time of the annual meeting shall be selected by the board at its regular meeting held immediately prior to such July 1, and the board shall notify the county superintendent of schools of the day and time selected. The clerk of the board shall, within 15 days prior to the date of the annual meeting notify in writing all members and members-elect of the date and time selected for the meeting.

If the board of trustees fails to select a day and time for the meeting, the county superintendent of schools having jurisdiction over the district shall, prior to July 1 and after the regular meeting of the board held immediately prior to July 1, designate the day and time of the annual meeting. The day designated shall be within the period of July 1 to July 15, inclusive. He shall notify in writing all members and members-elect of the date and time.

At the annual meeting, the governing board of each high school district, union high school district, and joint union high school district shall organize by electing a president from its members and a clerk.

At the annual meeting each city board of education shall organize by electing a president from its members.

At the annual meeting the governing board of each other type of school district, except a junior college district, shall elect one of its members clerk of the district.

SEC. 2. Section 1361 of said code is repealed.

SEC. 3. Section 1423 of said code is repealed.

SEC. 4. Section 25416 of said code is amended to read:

25416. The governing board of each junior college district shall hold an annual organizational meeting on a day within the period of July 1 to July 15, inclusive. Unless otherwise provided by rule of the governing board, the day and time of the annual meeting shall be selected by the board at its regular meeting held immediately prior to such July 1, and the board shall notify the county superintendent of schools of the day and time selected. The clerk of the board shall, within 15 days prior to the date of the annual meeting notify in writing all members and members-elect of the date and time selected for the meeting.

If the board fails to select a day and time for the meeting, the county superintendent of schools having jurisdiction over the district shall, prior to July 1 and after the regular meeting of the board held immediately prior to July 1, designate the day and time of the annual meeting The day designated shall be within the period of July 1 to July 15, inclusive. He shall notify in writing all members and members-elect of the date and time.

At the annual meeting, the governing board of the junior college district shall organize by electing a president from its members and a secretary.

SEC. 5. Section 940 of Division 4 of the Education Code, as proposed to be added by Senate Bill No. 718, is amended to read:

940. The clerk of a district shall perform all duties prescribed in Section 1031 not delegated by the governing board to the secretary or to the district superintendent.

SEC. 6. Section 942 of Division 4 of the Education Code, as proposed to be added by Senate Bill No. 718, is amended to read:

942. In any district the governing board of which is required to elect a clerk, the superintendent of schools of the county shall appoint one of the members of the governing board to fill the office of district clerk if a clerk is not elected by the governing board on the date prescribed, or if, except as provided in Section 943, a vacancy occurs in the position of district clerk.

SEC. 7. Section 964 of Division 4 of the Education Code, as proposed to be added by Senate Bill No. 718, is amended to read:

964. The governing board of each school district shall hold an annual organizational meeting on a day within the period of July 1 to July 15, inclusive. Unless otherwise provided by rule of the governing board, the day and time of the annual meeting shall be selected by the board at its regular meeting held immediately prior to such July 1, and the board shall notify the county superintendent of schools of the day and time selected. The clerk of the board shall, within 15 days prior to the date of the annual meeting notify in writing all members and members-elect of the date and time selected for the meeting.

If the board fails to select a day and time for the meeting, the county superintendent of schools having jurisdiction over the district shall, prior to July 1 and after the regular meeting of the board held immediately prior to July 1, designate the day and time of the annual meeting. The day designated shall be within the period of July 1 to July 15, inclusive. He shall notify in writing all members and members-elect of the date and time.

At the annual meeting, the governing board of each high school district, union high school district, and joint union high school district shall organize by electing a president from its members and a clerk.

At the annual meeting each city board of education shall organize by electing a president from its members.

At the annual meeting the governing board of each other type of school district, except a junior college district, shall elect one of its members clerk of the district.

SEC. 8. Sections 5, 6, and 7 of this act shall become operative only if Division 4 of the Education Code as proposed by Senate Bill No. 718 is enacted by the Legislature at its 1963 Regular Session, and in such case at the same time as Senate Bill No. 718 takes effect; at which time Section 1061 of the Education Code as amended by Section 1 of this act is repealed.

CHAPTER 695

An act to amend Section 29853 of the Government Code, relating to county warrants.

[Approved by Governor May 31, 1963. Filed with Secretary of State June 1, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 29853 of the Government Code is amended to read:

29853. A warrant is considered lost if it has been mailed and has not been received by the addressee within 20 days

after the date of mailing or within such shorter period of time as the board of supervisors may by ordinance establish, but in no event shall such shorter period of time be established at less than 7 days.

CHAPTER 696

An act to add Section 17921.1 to the Health and Safety Code, relating to hotplates.

[Approved by Governor May 31, 1963 Filed with Secretary of State June 1, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 17921.1 is added to the Health and Safety Code, to read:

17921.1. Notwithstanding the provisions of Section 17921, and except as provided for herein, the department shall not adopt or enforce any rule or regulation relating to the installation, maintenance, or use of a hotplate in a room of any building occupied on or prior to the effective date of this act, if the following conditions exist:

(a) The hotplate is used solely for the cooking or preparation of meals for consumption by not more than two occupants of the room.

(b) The hotplate contains not more than two burners or heating elements, and has been approved by an approved agency.

(c) The installation, maintenance, or use of a hotplate will not be, or is not, hazardous to life or property.

(d) The hotplate rests on its own legs, is set not closer than six inches from any wall or projection thereof, and rests on an impervious surface.

(e) The walls behind and adjacent to the hotplate are lined or backflashed with incombustible material equivalent to one-fourth-inch asbestos millboard; the backflashing extends from 12 inches below to 24 inches above the base of the hotplate; and there is 36 inches of clear and unobstructed space above the surface of the hotplate.

(f) The area of such room is not less than 120 square feet in superficial floor area.

(g) The room contains an approved sink with hot and cold running water.

(h) All plumbing in the room complies with the provisions of this part.

(i) An approved storage cabinet is installed in the room wherein all food, dishes, and cooking and eating utensils are stored when not in use.

(j) The bed, and any drapes, curtains, towels, or other readily combustible materials, in the room are located so that they do not come in contact with the hotplate.

(k) The room complies with the provisions of this part pertaining to window area, ventilation, ceiling height, and cubic airspace.

(*l*) An approved method of heating is installed in or for the room and the hotplate is not used for the purpose of heating the room or installed within an unventilated area.

(m) Toilet and bath facilities are installed and maintained in the building as required by this part.

In the event of any structural addition or any alteration or reconstruction involving the floor area of any room, as provided for in Section 17921.1, the provisions of Section 17921 shall apply.

Any city or county may enact an ordinance to prohibit the installation, maintenance or use of a hotplate in any room.

"Approved" when used in connection with any material, type of construction, or appliance in this section means meeting the approval of the enforcement agency, as the result of investigation and tests conducted by the agency, or by reason of accepted principles or tests by national authorities, technical, health, or scientific organizations or agencies.

CHAPTER 697

An act to amend Section 12657 of the Health and Safety Code, relating to fireworks.

[Approved by Governor May 31, 1963. Filed with Secretary of State June 1, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 12657 of the Health and Safety Code is amended to read:

12657. The original and annual renewal license fee shall be as follows:

Manufacturer	$500
Importer, exporter, or importer and exporter	100
Wholesaler	1,000
Retailer (for each separate retail outlet)	10
Public display for dangerous fireworks	25
Pyrotechnic operator for dangerous fireworks	10

CHAPTER 698

An act to add Section 2727.5 to the Business and Professions Code, relating to the practice of nursing.

[Approved by Governor May 31, 1963. Filed with Secretary of State June 1, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 2727.5 is added to the Business and Professions Code, to read:

2727.5. A person licensed under this chapter who in good faith renders emergency care at the scene of an emergency which occurs outside both the place and the course of her employment shall not be liable for any civil damages as the result of acts or omissions by such person in rendering the emergency care.

This section shall not grant immunity from civil damages when the person is grossly negligent.

CHAPTER 699

An act to add Section 6952.5 to the Education Code, relating to education of children in licensed childrens' institutions.

[Approved by Governor May 31, 1963. Filed with Secretary of State June 1, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 6952.5 is added to the Education Code, to read:

6952.5. In addition to any other payments required by this chapter, where the education in kindergarten or grades 1 through 12 of children described in Section 6951 is provided in buildings or facilities owned by the school district, the county or city and county of the minor's residence shall pay to the school district, for the minor's use of the buildings and facilities and appurtenant equipment, an amount per unit of average daily attendance of such children during the school year prescribed by whichever of the following subdivisions is applicable:

(a) Thirty-five dollars ($35) if an elementary school district.

(b) Fifty-five dollars ($55) if a high school district.

(c) Forty-two dollars ($42) if a unified school district.

The moneys so received by the school district shall be deposited to the credit of its bond interest and redemption fund,

except that if the school has no such fund, it shall be deposited in district's building fund.

No payment shall be made to a district under this section unless the district educates in kindergarten or grades 1 through 12 at least 30 children described in Section 6951 in buildings or facilities owned by the district.

CHAPTER 700

An act to amend Sections 21166 and 22840 of the Water Code, relating to irrigation districts.

[Approved by Governor May 31, 1963. Filed with Secretary of State June 1, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 21166 of the Water Code is amended to read:

21166. A director for sitting on the board or acting under its orders shall receive not exceeding:

(a) Thirty-five dollars ($35) per day except in districts containing over 500,000 acres which shall be governed by Section 22840.

(b) Ten cents ($0.10) per mile for each mile actually traveled between his place of residence and the district office.

(c) Actual and necessary expenses when acting under the orders of the board.

(d) In districts producing or distributing electric power, thirty-five dollars ($35) per day or in lieu thereof a monthly salary of not to exceed five hundred dollars ($500) per month except in districts containing over 500,000 acres which shall be governed by Section 22840.

SEC. 2. Section 22840 of said code is amended to read:

22840. Directors of districts subject to this chapter shall each receive a salary fixed by the board of such a district at not to exceed five hundred dollars ($500) per month.

CHAPTER 701

An act to add Section 6567 to the Business and Professions Code, relating to the practice of barbering.

[A. B. 988 having remained with the Governor 10 days (Sundays excepted), and the Legislature being in session, it became law without his signature (See Section 9516, Government Code.) Filed with Secretary of State June 1, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 6567 is added to the Business and Professions Code, to read:

6567. Whenever the certificate issued to a barbershop has been suspended or revoked for a violation of the sanitary pro-

visions of this chapter, the board may on a second or subsequent violation post a sign on the shop stating that the certificate has been suspended or revoked and the reason therefor.

CHAPTER 702

An act to amend Sections 15630, 15631, 15633, 15671, 15710, 15711, 15712, 15791, 15794, 15796, 15832, 15911, and 15912 of, and to add Section 15634 to, the Elections Code, relating to punchcard voting systems.

[Approved by Governor May 31, 1963. Filed with Secretary of State June 1, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 15630 of the Elections Code is amended to read:

15630. As used in this chapter, "ballot" means a single card or a number of cards upon which are printed the names of candidates and the ballot titles of measures to be voted on by a punching or slotting device at the election and includes a card upon which is printed the instructions to voters.

In addition to, or in lieu thereof, "ballot" may mean a reference page or pages upon which are printed the instructions to voters, office titles, names of candidates, and ballot titles of measures to be voted on by punching or slotting a separate card or a number of cards whereby the vote for each candidate and on each measure is registered in direct relation to the reference page or pages.

SEC. 2. Section 15631 of said code is amended to read:

15631. As used in this chapter, "ballot card" means a card or a number of cards upon which are printed, or identified by reference to the ballot, the names of candidates for nomination or election to one or more offices or the ballot titles of one or more measures together with proper blank spaces to allow the voter to write in names not printed on the ballot.

SEC. 2.1. Section 15633 of said code is amended to read:

15633. As used in this chapter, "voting machine" means a device into which a ballot card may be inserted and which is so designed and constructed that the choice of the voter as to any candidate or measure may be indicated by marking, punching or slotting the ballot card.

SEC. 2.2. Section 15634 is added to said code, to read:

15634. As used in this chapter "punchcard" means a tabulating card on which the voter may record his vote by punching, marking, or slotting, and the word "punching" includes marking a ballot card to record a vote.

SEC. 3. Section 15671 of said code is amended to read:

15671. In approving ballots and ballot cards the commission shall not give its approval unless the following are true:

(a) The size, shape, and texture of the ballot card is suit-

able for use in the automatic device in which it is intended to be placed.

(b) The ballot cards are so designed that they can readily be arranged with a section or ballot stub containing the serial number of the ballot, and a section with places for the voter to slot or punch holes indicating his choices of candidates and votes on measures.

(c) If the ballot is to consist of two or more series of cards, appropriate provision may be made for identifying the related series which comprise the ballot.

SEC. 4. Section 15710 of said code is amended to read:

15710. Each ballot card shall have two stubs attached. The stubs shall be separated from the ballot card and from each other by perforated lines so that they may be readily detached. One stub shall have the serial ballot number printed on it, and shall be detached from the remainder of the ballot before it is handed to the voter. The second stub shall have printed on it: (a) the same ballot serial number; (b) the words "This ballot stub shall be removed by the inspector before the ballot is placed in the ballot box"; (c) the words "General Ballot" or "Primary Ballot of the _____ Party" in primary elections, followed by the designation of the congressional, senatorial and assembly district or the name of the county in which the ballot is being voted and the date of the election; and (d) where, not otherwise provided, instructions to the voter on how to mark the ballot with the voting machine, how to vote for a candidate whose name is not printed on the ballot, and how to secure an additional ballot card if the ballot card is spoiled or marked erroneously. In addition to the instructions to voters printed on the ballot or ballot stub, there shall be displayed in each voting booth instructions to voters substantially in the same form and wording as appears on paper ballots. Precinct numbers may also be placed on the ballot.

SEC. 5. Section 15711 of said code is amended to read:

15711. The ballot shall contain the same material as to candidates and measures, and shall be printed in the same order as provided for paper ballots, and may be arranged in parallel columns on one or more ballot cards as required, except that the column in which the voter marks his choices may be at the left of the names of candidates and the designation of measures. If there are a greater number of candidates for an office or for a party nomination for an office than the number whose names can be placed on one ballot page, the ballot shall be clearly marked to indicate that the list of candidates for such office is continued on the following page or pages, and if the names of candidates for such office are not required to be rotated, they shall be rotated by groups of candidates in such manner that the name of each candidate shall appear on each page of the ballot in approximately the same number of precincts as the names of all other candidates, provided on the ballot or on a separate write-in ballot that such rotation shall not apply to candidates who are entitled by law to have

their names placed on the ballot ahead of the names of other candidates for the same office or nomination for office. Space shall be provided to permit voters to write in names not printed on the ballot when authorized by law. The size of type and the spacing of the material may be varied to suit the conditions imposed by the use of ballot cards, provided the type on the ballot cards, when enlarged by a magnifying device on the voting machine or provided at the polling place, shall appear to the voter as approximately equal in size to that on paper ballots. The statement of measure submitted to the voters may be abbreviated if necessary on the ballot, provided there is displayed in each voting booth the verbatim statement on each measure as it appears on paper ballots. Abbreviation of matters to be voted on throughout the State shall be done by the Attorney General.

SEC. 6. Section 15712 of said code is amended to read:

15712. The sample ballot provided in Chapter 1 (commencing with Section 10000) of Division 7 of this code shall be printed on a single sheet of white paper or a number of sheets of white paper stapled together and shall be a reasonable facsimile of the ballot, including instructions to voters.

SEC. 7. Section 15791 of said code is amended to read:

15791. When a voter is handed a ballot or ballot card he shall be instructed to use only the voting machine provided for punching or slotting the cards and that he is not to mark his ballot or ballot card in any other way, except for writeins. He shall also be instructed to place his ballots in an envelope or other container after he has voted, or to fold his ballot card or cards in such manner, so that no card upon which a choice is indicated is exposed. The election board may provide an extra voting machine to be used for demonstration purposes at the polling place. Dummy ballots for use in such instruction shall not bear the name of any person who is a candidate at the election.

SEC. 8. Section 15794 of said code is amended to read:

15794. Before leaving the voting booth or compartment the voter shall fold or place the ballot card or cards in the envelope or other container if one is provided for this purpose so that the ballot markings of the voter will not be exposed, and the ballot stub will be outside of the envelope or other container, to be removed by the inspector.

SEC. 9. Section 15796 of said code is amended to read:

15796. The voter shall hand the ballot card or the envelope or other container, if one is provided, with his ballots to the inspector, who shall remove the ballot stubs, hand them to the voter, and deposit the ballot cards or the envelope with the ballot cards in the ballot box or transfer the ballot cards from the container into the ballot box in such a manner that the vote of the voter on any candidate or measure will not be disclosed.

SEC. 10. Section 15832 of said code is amended to read:

15832. The precinct election board shall next examine the ballots in each group of ballots and count the votes cast for candidates whose names have been written in. If a separate write-in ballot is used, the precinct election board shall number each write-in ballot which contains a write-in vote, starting with the number 1, and the same number shall be placed on the ballot card in the place designated for this purpose. Before any such vote is counted the precinct board shall examine the ballot to ascertain whether the write-in vote is valid, and count it only if it is found to be valid. A write-in vote shall not be counted if the voter has marked his ballot by a combination of punching or slotting the ballot card and writing in, a choice of more names than there are candidates to be elected or nominated for any office. All such write-in votes shall be tabulated and certified to the clerk on forms provided for this purpose, and the write-in votes shall be added to the results of the count of the ballots at the counting place and be included in the official returns for the precinct.

SEC. 11. Section 15911 of said code is amended to read:

15911. If paper ballots are used, the canvass may be conducted in accordance with Chapter 7 (commencing with Section 18200) of Division 10, or the clerk may have a true duplicate copy of absentee voter paper ballots made on punchcard ballots which shall be verified in the presence of witnesses and after verification the punchcard ballots shall be counted in the same manner as other punchcard ballots.

SEC. 12. Section 15912 of said code is amended to read:

15912. If punchcard ballots are used for absent voting, the ballots shall be marked by pencil, by voting machine, or other device which enables the voter to register his vote by punching or slotting the ballot card. Counting of punchcard ballots marked by pencil may be as with paper ballots, or a true duplicate copy of each ballot may be prepared using the same procedure as provided by Section 15911. Absent voter ballots so prepared shall be counted by the counting device.

CHAPTER 703

An act to repeal Part 3 (commencing with Section 33800) of Division 18 of the Streets and Highways Code, relating to parking.

[Approved by Governor June 3, 1963 Filed with Secretary of State June 3, 1963.]

The people of the State of California do enact as follows:

SECTION 1 Part 3 (commencing with Section 33800) of Division 18 of the Streets and Highways Code is repealed.

SEC. 2. The repeal effected by this act shall not be construed to deprive any person or public agency of any substantial right which would have existed or hereafter exists had such repeal not been effected.

CHAPTER 704

An act to amend Section 7417 of the Public Resources Code, relating to approval of indemnity school land selection applications.

[Approved by Governor June 3, 1963 Filed with Secretary of State June 3, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 7417 of the Public Resources Code is amended to read:

7417. When the commission receives from the register or receiver of the United States Land Office, or both, a notice to the effect that any indemnity school land selection, has been filed and accepted, subject to future approval, the said commission shall, subject to the provisions of Section 7705, approve the application in accordance with the acceptance, and shall issue a certificate of purchase for the land sought by the applicant showing full payment therefor.

CHAPTER 705

An act to amend Section 6994 of the Public Resources Code, relating to terms of leases for the taking of minerals from waters and certain lands.

[Approved by Governor June 3, 1963. Filed with Secretary of State June 3, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 6994 of the Public Resources Code is amended to read:

6994. Leases under this article shall be for terms not to exceed 20 years with the preferential right in the lessee to renew the lease for successive periods not to exceed 10 years upon such reasonable terms and conditions as may be prescribed by the commission.

CHAPTER 706

An act to amend Section 8450 of the Financial Code, relating to savings and loan associations.

[Approved by Governor June 3, 1963 Filed with Secretary of State June 3, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 8450 of the Financial Code is amended to read:

8450. The stockholders of each association are individually liable, equally and ratably, and not one for another, for all contracts, debts, and engagements of such association, includ-

ing investment certificates and shares, to the extent of the amount set aside from the sale of such stock as a fixed and permanent capital of the association pursuant to Section 6456 of the Financial Code, in addition to the amount invested in the stock.

CHAPTER 707

An act to amend Section 8500 of the Financial Code, relating to savings and loan associations.

[Approved by Governor June 3, 1963. Filed with Secretary of State June 3, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 8500 of the Financial Code is amended to read:

8500. If the value of the assets of an association after deducting the amount of liabilities of the association, including the value of its outstanding investment certificates and shares, is less than the aggregate par value of the association's outstanding stock, or, if the stock is without par value, less than the amount fixed therefor in the association's articles of incorporation, the capital of the association shall be deemed to be impaired for the purposes of this article.

CHAPTER 708

An act to repeal Section 3087 of the Labor Code, relating to apprenticeship.

[Approved by Governor June 3, 1963. Filed with Secretary of State June 3, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 3087 of the Labor Code is repealed.

CHAPTER 709

An act to amend Section 813.1 of the Agricultural Code, relating to cauliflower, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 3, 1963. Filed with Secretary of State June 3, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 813.1 of the Agricultural Code is amended to read:

813.1. All cauliflower when packed shall be in standard containers numbers 46, 46A, 46B or 46C. Other size containers

may be used if conspicuously marked on the outside of the end or side which bears any marks intended to describe the contents of such container, in letters not less than one-half inch in height, "irregular container."

Heads or curds of cauliflower when wrapped shall be individually wrapped, and fairly tightly packed in standard containers numbers 46, 46A or 46B and contain the following counts when of the designated size or diameter.

Curd size in inches	Standard pack and count
5½ and over	12
Under 5½	14 to 16
Under 4½	20

Curd size shall be measured at its widest diameter not including wrapper leaves.

Containers of wrapped cauliflower, except individually wrapped heads or consumer packages, shall be marked, in letters one-half inch in height, with the exact number of heads or curds in the container.

Curds too large to pack as a 12 count in one of the standard containers specified for wrapped and packed cauliflower may be wrapped and packed with a lesser count.

Containers of cauliflower packed with 12 heads or less in each container may have not more than 2 heads which have a smaller diameter than the minimum diameter specified, except not more than one container in the lot may have not more than 3 heads which have a smaller diameter than the minimum diameter specified.

Containers of cauliflower packed with 14 heads or more in each container may have not more than 2 heads which have a greater diameter than the maximum diameter specified for the count of heads in the container, except not more than one container in the lot may have not more than 3 heads which have a greater diameter than the maximum diameter specified for the count of heads in the container.

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order for the protection of this act to be effective during the 1963 season, this act must be in effect immediately.

CHAPTER 710

An act to amend Section 11508 of the Government Code, relating to administrative adjudications.

[Approved by Governor June 3, 1963 Filed with Secretary of State June 3, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 11508 of the Government Code is amended to read:

11508. The agency shall consult the office, and subject to the availability of its staff, shall determine the time and place of hearing. The hearing shall be held in San Francisco if the transaction occurred or the respondent resides within the First District Court of Appeal district, in the County of Los Angeles if the transaction occurred or the respondent resides within the Second or Fourth District Court of Appeal districts, and in the County of Sacramento if the transaction occurred or the respondent resides within the Third or Fifth District Court of Appeal district. Provided that the agency, if the transaction occurred in a district other than that of respondent's residence, may select the county appropriate for either district; the agency may select a different place nearer the place where the transaction occurred or the respondent resides; or the parties by agreement may select any place within the State.

CHAPTER 711

An act to amend Section 6 of the County Water Authority Act (Chapter 545 of the Statutes of 1943), relating to county water authorities.

[Approved by Governor June 3, 1963 Filed with Secretary of State June 3, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 6 of the County Water Authority Act (Chapter 545 of the Statutes of 1943) is amended to read:

Sec. 6. All powers, privileges and duties vested in or imposed upon any authority incorporated hereunder shall be exercised and performed by and through a board of directors; provided, however, that the exercise of any and all executive, administrative and ministerial powers may be by said board of directors delegated and redelegated to any of the offices created hereby or by the board of directors acting hereunder.

The board of directors herein referred to shall consist of at least one representative from each public agency, the area of which shall lie within the authority. Such representatives shall

be designated and appointed by the chief executive officers of said public agencies, respectively, with the consent and approval of the legislative bodies of the said public agencies, respectively.

Members of the board of directors shall hold office for a term of six years, and until their successors are appointed and qualified; provided, that the terms of the members of the first board shall be determined by lot so that the terms of not less than one-half of the members shall be for three years and the terms of the remainder shall be six years; provided further, that every member shall be subject to recall by the voters of the public agency from which such member is appointed, in accordance with the recall provisions of the freeholders' charter or other law applicable to such public agency; and provided further, that any member may be recalled by the majority vote of the governing body of the public agency from which such member is appointed.

As a member of the board of directors, each representative shall be entitled to vote on all questions, orders, resolutions and ordinances coming before the board, and shall be entitled to cast one vote for each five million dollars ($5,000,000), or major fractional part thereof, of assessed valuation of property taxable for authority purposes in the public agency represented by him as shown by the last equalized assessment roll of the county and evidenced by the certificate of the county auditor; provided, that each representative shall have at least one vote and no public agency shall have votes exceeding in number the total number of votes of all the other public agencies whose corporate areas are included in such authority. In lieu of one representative, any public agency may at its option designate and appoint several representatives not exceeding one additional representative for each one hundred million dollars ($100,000,000) of assessed valuation, but such representatives shall cast the vote to which such public agency would otherwise be entitled as a unit and as a majority of such representatives present shall determine. The affirmative votes of members representing more than fifty (50) percent of the total number of votes of all the members shall be necessary, and, except as otherwise herein provided, shall be sufficient to carry any order, resolution or ordinance coming before the board of directors; provided, however, any meeting may be adjourned or recessed from day to day or from time to time, by vote of the director or directors present, irrespective of the number of directors present or the number of votes represented at such meeting. For the purposes of this section, the term "major fractional part" shall be deemed to mean a fractional part larger than one-half.

Members of the first board of directors so constituted shall convene at the call of the clerk of the board of supervisors in the meeting room of the board of supervisors at the county seat of said county, and immediately upon convening, such board

of directors shall elect from its membership a chairman, a vice chairman, and a secretary, who shall serve for a period of two years, or until their respective successors shall be elected and qualified.

CHAPTER 712

An act to amend Section 1317 of the Financial Code, relating to loan limits for nondepartmental banks.

[Approved by Governor June 3, 1963. Filed with Secretary of State June 3, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 1317 of the Financial Code is amended to read:

1317. A nondepartmental bank shall not lend in the aggregate an amount in excess of 70 percent of the amount of its savings and other time deposits upon the security of real property, in addition to:

(a) Loans guaranteed in whole or in part by the Administrator of Veterans' Affairs pursuant to the Servicemen's Readjustment Act of 1944 or any act of Congress supplementary or amendatory thereof or under the Veterans' Readjustment Act of 1952 or any act of Congress supplementary or amendatory thereof; or

(b) Loans insured by the Federal Housing Administration pursuant to Section 203 of the National Housing Act or any act of Congress supplementary or amendatory thereof.

CHAPTER 713

An act to amend Sections 16082, 16105 and 16370 of the Vehicle Code, relating to financial responsibility laws.

[Approved by Governor June 3, 1963. Filed with Secretary of State June 3, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 16082 of the Vehicle Code is amended to read:

16082. (a) The privilege of driving a motor vehicle suspended as provided in Section 16080 shall remain suspended until:

(1) The person complies with the requirements of Section 16050, or

(2) The person deposits or there is deposited on his behalf the security required under this article, or

(3) The driving privilege is suspended under the authority of Section 16370 as the result of a judgment arising out of the same cause of action for which security was required in the suspension authorized under Section 16080.

(b) Whenever the suspension provided in Section 16080 or Section 16053 has remained in effect for a period of one year from the date of accident or from the date security was required on the default of a duly acknowledged settlement agreement, the privilege of driving a motor vehicle and all licenses evidencing such privilege shall remain so suspended until:

(1) Proof of ability to respond in damages has been filed with the department in the manner prescribed by Section 16430 The department shall waive the requirement for proof of ability to respond in damages and upon request shall cancel any bond or certificate of insurance, or shall direct the return to the person entitled thereto of any money or securities deposited as proof of financial responsibility, at any time as specified in Sections 16480 and 16481; and

(2) There is no evidence on file with the department that during such one-year period an action at law arising out of the accident or upon the agreement has been instituted and is pending. In the event that an action at law was filed as referred to herein, the department may, after five years from the date that eligibility for the termination of the suspension would have otherwise been established, terminate any action taken under Chapter 1 (commencing with Section 16000) of Division 7 of this code.

SEC. 2. Section 16105 of said code is amended to read:

16105. The suspension and storage of such motor vehicle shall continue until either:

(a) The owner or driver has complied with one of the conditions for exemption from security requirements.

(b) Security has been deposited.

(c) All judgments or claims referred to in this division have been discharged.

(d) A period of one year has elapsed following the date of such accident or following the date when such security was required, and during such time no action at law for any damages arising out of the accident or upon a duly acknowledged settlement agreement has been instituted and is pending.

(e) Possession of the vehicle has been taken by or for a legal owner thereof or by or for another lienholder.

(f) Possession of the vehicle has been taken by or for a licensed automobile wrecker for the purpose of dismantling the vehicle and an application for the issuance of a certificate of dismantling has been made.

(g) The department has suspended the registration privilege under authority of Section 16370 as the result of a judgment arising out of the same cause of action for which security was required in the suspension authorized under Section 16080.

SEC. 3. Section 16370 of said code is amended to read:

16370. The department shall suspend the privilege of any person to operate a motor vehicle and the registration cards and license plates issued for all motor vehicles registered in the name of such person, upon receiving a copy of a judgment, and a certificate of facts relative to the judgment, on a form provided by the department, indicating that the person has failed for a period of 30 days to satisfy a judgment rendered against him, except that such suspension shall not be made under this section when security was deposited under Section 16020 to provide for satisfaction of a judgment arising from the same cause of action and the amount of the judgment does not exceed the deposit by more than one hundred dollars ($100).

CHAPTER 714

An act to repeal Section 646 of, and to add Section 646 to, the Financial Code, relating to banks and trust companies.

[Approved by Governor June 3, 1963 Filed with Secretary of State June 3, 1963]

The people of the State of California do enact as follows:

SECTION 1 Section 646 of the Financial Code is repealed

SEC. 2. Section 646 is added to said code, to read:

646. For the purpose of declaring a dividend, net profits shall be calculated on either a cash or accrual basis, depending upon the method of accounting and reporting of the bank or trust company.

CHAPTER 715

An act to amend Sections 12700, 12700.1, 12704, 12705, and 12707.5 of, and to add Sections 12704.2 and 12707.4 to, the Business and Professions Code, relating to private and public weighmasters.

[Approved by Governor June 3, 1963 Filed with Secretary of State June 3, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 12700 of the Business and Professions Code is amended to read:

12700. (a) A public weighmaster is either of the following:

(1) Any person who weighs, measures or counts any commodity and issues therefor a statement or memorandum of the weight, measure, or count accepted as the accurate weight or measure or count upon which the purchase or sale of the commodity or charge for service is based.

(2) Any person engaged in the business of public weighing for hire.

(b) A public weighmaster at large is any person who shall, other than at an established and definite place of business, engage in the business of weighing, measuring or counting for hire or weigh, measure or count any commodity and issue therefor a statement or memorandum upon which the purchase or sale of the commodity or charge for service is based.

A public weighmaster at large is subject to the provisions of this chapter, except as specified under Section 12701.

(c) A private weighmaster is any person who weighs, measures or counts any commodity in which he is interested as the seller and issues therefor a statement or memorandum of the weight, measure or count upon which the sale of such commodity or charge for service is based.

SEC. 1.5. Section 12700.1 of said code is amended to read:

12700.1. The following shall not be construed to be private or public weighmasters:

(a) Retailers weighing or measuring commodities for sale by them in retail stores directly to consumers;

(b) Producers of agricultural commodities or livestock weighing commodities produced or purchased by them or by their producer neighbors, when no charge is made for such weighing, and no signed or initialed statement or memorandum is issued of the weight upon which a purchase or sale of the commodity is based;

(c) Common carriers issuing waybills or bills of lading on which are recorded, for the purpose of computing transportation charges, the weights of commodities offered for transportation;

(d) Weighers licensed under the provisions of Section 681 of the Agricultural Code when performing the duties for which they are licensed;

(e) Employees of the department authorized to weigh agricultural products under the provisions of Chapter 8 (commencing with Section 12801) of Division 5 of this code, when performing the duties authorized thereby.

(f) Persons who measure the amount of oil, gas, or other fuels for purposes of royalty computation and payment, or other operations of fuel and oil companies and their retail outlets.

(g) Employees of newspaper publishers weighing or counting newspapers for sale to dealers or distributors.

SEC. 2. Section 12704 of said code is amended to read:

12704. (a) The department shall prescribe a form of weight and measure certificates to be used by public weighmasters. The certificate used by a public weighmaster shall be known as the "state certificate of weights and measures" and no other form of certificate shall be used by public weighmasters.

The certificate shall state thereon:

(1) The kind of product or article.

(2) The number of units of the product or article.

(3) The date on which the product or article was weighed, measured or counted.

(4) The owner, agent or consignee.

(5) Either the gross weight of the product and the vehicle or container thereof, or the tare weight of the unladen vehicle or container, or both such gross and tare weights when they are used in determining the true net weight; or the true net weight, measure, or count of the product. The provisions of this section shall apply in all respects to the transportation of part loads of products, except that the gross weight of a vehicle containing one or more part loads may be used as the tare weight of such vehicle as to part loads subsequently loaded thereon. Such weight certificate on part loads shall show, in addition to the net weight, both of the gross weights used in the computation of the net weight of each part load.

(6) The vessel, railroad or other means by which the product was received. If motor vehicle carrier is used, the license number of any vehicle or trailer shall be stated on the certificate.

(7) Any trade or other mark thereon.

(8) The name of the city or town where such product or article was weighed, measured or counted.

(9) The complete signature of the weighmaster or deputy weighmaster who weighed, measured or counted the product or article.

(10) The consecutive number thereof and such other information as may be necessary to identify the product or distinguish it from a like kind.

(b) Private weighmasters may use a delivery ticket, invoice, bill of lading or purchase ticket of a form approved by the department which shall be known as a private weighmasters certificate and shall state thereon:

(1) Date of issue.

(2) Consecutive number thereof.

(3) Commodity.

(4) Owner, agent or consignee.

(5) Either the gross weight of the product and vehicle and container thereof, or the tare weight of the unladen vehicle or both such gross and tare weights when they are used in determining the true net weight, or the true net weight, measure or count of the product.

(6) The vessel, railroad or other means by which the product is received or delivered. If a motor vehicle is used vehicle and trailer must be correctly identified. The license number shall be shown if required by the purchaser.

(7) Place where commodity was weighed.

(8) Signature of weighmaster or deputy weighmaster who weighed, measured or counted the product.

(9) Such other information as may be required to identify the product or distinguish it from a like kind.

It shall be unlawful for a public weighmaster to use a public weighmaster certificate form purchased by him for use in connection with his service as a public weighmaster until a sample of such form has been inspected and approved in writing by the department. Such approval shall not be required of a public weighmaster when using public weighmaster certificate forms for which approval has been previously received by the printer, stationer or other supplier whose business includes the supplying of such approved forms.

It shall be unlawful for a private weighmaster to use a private weighmaster certificate form purchased by him for use in connection with his service as a private weighmaster until a sample of such form has been inspected and approved in writing by the department Such approval shall not be required of a private weighmaster when using a private weighmaster certificate form for which approval has been previously received by the printer, stationer or other supplier whose business includes supplying such approved forms.

Public weighmaster certificate forms and private weighmaster certificate forms shall be the property of the State and all unused weighmaster certificate forms shall be forfeited and returned to the department by any person who has served as a public weighmaster or a private weighmaster upon termination of the performance of his duties as a weighmaster. Certificates of weight or measure which have been returned to the department shall be kept in a safe place for a period of four years after which time they shall be destroyed or otherwise disposed of by the department.

SEC. 3. Section 12704 2 is added to said code, to read:

12704 2. A private weighmaster shall not engage in the business of weighing for hire, nor shall he at any time issue a private weighmaster certificate, for any commodity or service in which he is not interested as the seller.

SEC. 4. Section 12705 of said code is amended to read:

12705. All public weighmasters shall keep and preserve, as records, for a period of four years, true copies of all certificates issued upon public weighings, measurings or counts. These records shall at all times be open for inspection by the director or by a sealer or his deputy.

All private weighmasters shall keep and preserve, as records, for a period of four years, true copies of all certificates issued upon certified weighings, measurings or counts. These records shall at all times be open for inspection by the director or by a sealer or his deputy.

SEC 5 Section 12707.4 is added to said code, to read:

12707 4. When the gross weight of a vehicle and its net contents has been recorded on a public weighmaster certificate or a private weighmaster certificate it shall be unlawful for any person to remove a part of, or add to the net contents, before the contents are delivered to the buyer or consignee unless a correct weight certificate is obtained as prescribed by this chapter.

SEC. 6. Section 12707.5 of said code is amended to read:

12707.5. When the tare weight of a vehicle or the gross weight of the vehicle and contents has been recorded on a public weighmaster certificate, it shall be unlawful for any person to alter the tare weight of such vehicle prior to the time that the net weight of the commodity has been determined and recorded on the certificate.

CHAPTER 716

An act to amend Section 6369 of the Revenue and Taxation Code, relating to the exemption of medicine from sales and use taxes

[Approved by Governor June 3, 1963. Filed with Secretary of State June 3, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 6369 of the Revenue and Taxation Code is amended to read:

6369. (a) There are exempted from the taxes imposed by this part the gross receipts from the sale, and the storage, use, or other consumption, in this State of medicines:

(1) Prescribed for the treatment of a human being by a person authorized to prescribe the medicines, and dispensed on prescription filled by a registered pharmacist in accordance with law, or

(2) Furnished by a licensed physician and surgeon or podiatrist to his own patient for treatment of the patient, or

(3) Furnished by a hospital for treatment of any person pursuant to the order of a licensed physician and surgeon or podiatrist, or

(4) Sold to a licensed physician and surgeon, podiatrist or hospital for the treatment of a human being.

(5) Sold to this State or any political subdivision or municipal corporation thereof, for use in the treatment of a human being; or furnished for the treatment of a human being by a medical facility or clinic maintained by this State or any political subdivision or municipal corporation thereof.

(b) "Medicines" as used in this section mean and include any substance or preparation intended for use by external or internal application to the human body in the diagnosis, cure, mitigation, treatment or prevention of disease and which is commonly recognized as a substance or preparation intended for such use; provided that "medicines" do not include (1) any auditory, prosthetic, ophthalmic or ocular device or appliance, (2) articles which are in the nature of splints, bandages, pads, compresses, supports, dressings, instruments, apparatus, contrivances, appliances, devices, or other mechanical, electronic, optical or physical equipment or article or the compo-

nent parts and accessories thereof, (3) any alcoholic beverage the manufacture, sale, purchase, possession or transportation of which is licensed and regulated by the Alcoholic Beverage Control Act (Division 9, commencing with Section 23000, of the Business and Professions Code).

(c) "Hospital" as used in this section has the meaning ascribed to it in Section 1401 of the Health and Safety Code.

(d) Insulin furnished by a registered pharmacist to a person for treatment of diabetes as directed by a physician shall be deemed to be dispensed on prescription within the meaning of this section.

CHAPTER 717

An act to amend Section 15854 of the Government Code, relating to the acquisition of real property.

[Approved by Governor June 3, 1963. Filed with Secretary of State June 3, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 15854 of the Government Code is amended to read:

15854. Property shall be acquired pursuant to this part by condemnation in the manner provided in Title 7 of Part 3 of the Code of Civil Procedure, and all money paid from any appropriation made pursuant to this part shall be expended only in accordance with a judgment in condemnation or with a verdict of the jury or determination by the trial court fixing the amount of compensation to be paid. This requirement shall not apply to any of the following:

(a) Any acquisitions from the federal government or its agencies.

(b) Any acquisitions from the University of California or other state agencies.

(c) The acquisitions of parcels of property, or lesser estates or interests therein, for less than five thousand dollars ($5,000), unless part of an area made up of more than one parcel which in total would cost more than five thousand dollars ($5,000) which the board by resolution exempts from this requirement.

(d) Any acquisition as to which the owner and the State have agreed to the price and the State Public Works Board by unanimous vote determines that such price is fair and reasonable and acquisition by condemnation is not necessary.

CHAPTER 718

An act to amend Sections 15010.5 and 15031 of, and to add Section 15010.6 to, the Corporations Code, relating to the dissolution of partnerships.

[Approved by Governor June 3, 1963. Filed with Secretary of State June 3, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 15010.5 of the Corporations Code is amended to read:

15010.5. (1) A statement of partnership, in the name of the partnership, signed, acknowledged and verified by two or more of the partners, or such a statement signed by two or more of the partners as individuals, acknowledged and verified by each signing partner, may be recorded in the office of the county recorder of any county. Such recorded statement, or a copy thereof certified by any recorder in whose office it or a copy thereof so certified is recorded, may be recorded in any other county or counties. The statement shall set forth the name of the partnership and the name of each of the partners, and shall state that the partners named are all of the partners. If a partnership is not dissolved by the death of a partner by reason of an agreement provided for in subdivision (4) of Section 15031 the statement or amended statement may state the name and date of death of such deceased partner and that the partnership was not dissolved by reason of such death because of the existence of such agreement.

It shall be conclusively presumed, in favor of any bona fide purchaser for value of the partnership real property located in a county in which such statement or such certified copy thereof has been recorded, that the persons named as partners therein are members of the partnership named and that they are all of the members of the partnership, and that any partner stated to be dead is deceased and that the partnership was not dissolved by reason of such death, unless there is recorded by anyone claiming to be a partner a statement of partnership, verified and acknowledged by the person executing it, which shall set forth the name of the partnership, a statement that such person claims to be a member of such partnership or a statement that any of the persons named in a previously recorded statement of partnership are not members of such partnership.

(2) As used in this section and in Section 15010, "conveyance" includes every instrument in writing by which any estate or interest in real estate is created, aliened, mortgaged, or encumbered, or by which the title to any real property may be affected, except wills; "convey" includes the execution of any such instrument; and "purchaser" includes any person acquiring an interest under any such instrument.

SEC. 2. Section 15010.6 is added to the Corporations Code, to read:

15010.6. Where no statement of partnership as provided in Section 15010.5 has been recorded prior to the death of one or more of the partners, such statement may be signed, acknowledged and verified by two or more of the surviving partners, in the form and manner specified in said section; provided that if all of the partners except one are deceased, the statement may be signed, acknowledged and verified by the last survivor of the partners only; and provided further that such statement shall specify the date of creation of the partnership, which of the partners are deceased and the date of death of each deceased partner.

Nothing in this section shall be construed to affect the provisions of Section 15031 of this code.

SEC. 3. Section 15031 of the Corporations Code is amended to read:

15031. Dissolution is caused:

(1) Without violation of the agreement between the partners,

(a) By the termination of the definite term or particular undertaking specified in the agreement.

(b) By the express will of any partner when no definite term or particular undertaking is specified,

(c) By the express will of all the partners who have not assigned their interests or suffered them to be charged for their separate debts, either before or after the termination of any specified term or particular undertaking,

(d) By the expulsion of any partner from the business bona fide in accordance with such a power conferred by the agreement between the partners;

(2) In contravention of the agreement between the partners, where the circumstances do not permit a dissolution under any other provision of this section, by the express will of any partner at any time;

(3) By any event which makes it unlawful for the business of the partnership to be carried on or for the members to carry it on in partnership;

(4) By the death of any partner unless otherwise provided in an agreement in writing signed by all the partners before such death;

(5) By the bankruptcy of any partner or the partnership;

(6) By decree of court under Section 15032;

(7) By withdrawal of a partner or admission of a new partner unless otherwise provided in an agreement in writing signed by all of the partners, including any such withdrawing partner or any such newly admitted partner, before such withdrawal or admission; provided that in the case of a newly admitted partner he may become a party to any such preexisting agreement by signing the same upon such admission.

None of the provisions of any other section of this chapter shall prevent, or impair the effect or enforceability of, any agreement in writing that a partnership will not be dissolved as provided for in subdivision (4) or (7) of this section.

CHAPTER 719

An act to amend Section 25502.5 of the Government Code, relating to purchasing agents.

[Approved by Governor June 3, 1963. Filed with Secretary of State June 3, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 25502.5 of the Government Code is amended to read:

25502.5 In counties having a population of 900,000 or more the board of supervisors may direct by ordinance the purchasing agent to engage independent contractors to perform sundry services for the county and the officers thereof, with or without the furnishing of material, where the estimated aggregate cost does not exceed six thousand five hundred dollars ($6,500), and upon such direction the purchasing agent shall so engage independent contractors.

The board of supervisors may establish rules and regulations to effectuate the purposes of this section.

CHAPTER 720

An act to amend Section 17 of the Elections Code, relating to the county clerk.

[Approved by Governor June 3, 1963. Filed with Secretary of State June 3, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 17 of the Elections Code is amended to read:

17. "County clerk" means "registrar of voters," in those counties in which the latter office has been established. In those counties in which the office of "registrar of voters" has not been established the "county clerk" may also be known as "ex officio registrar of voters."

CHAPTER 721

An act to amend Section 605 of the Code of Civil Procedure and Section 1089 of the Penal Code, relating to alternate jurors.

[Approved by Governor June 3, 1963. Filed with Secretary of State June 3, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 605 of the Code of Civil Procedure is amended to read as follows:

605. Whenever, in the opinion of a judge of a superior or of a municipal court about to try a civil action or proceeding, the trial is likely to be a protracted one, or upon stipulation of the parties, the court may cause an entry to that effect to be made in the minutes of the court, and thereupon, immediately after the jury is impaneled and sworn, the court may direct the calling of one or more additional jurors, in its discretion, to be known as "alternate jurors."

Such alternate jurors must be drawn from the same source, and in the same manner, and have the same qualifications as the jurors already sworn, and be subject to the same examination and challenges; provided, that each side, as provided in Section 601 in this code, shall be entitled to as many peremptory challenges to such alternate jurors as there are alternate jurors called.

Such alternate jurors shall be seated so as to have equal power and facilities for seeing and hearing the proceedings in the case, and shall take the same oath as the jurors already selected, and must attend at all times upon the trial of the cause in company with the other jurors; and for a failure so to do are liable to be punished for contempt.

They shall obey the orders of and be bound by the admonition of the court, upon each adjournment of the court; but if the regular jurors are ordered to be kept in the custody of the sheriff or marshal during the trial of the cause, such alternate jurors shall also be kept in confinement with the other jurors; and upon final submission of the case to the jury such alternate jurors shall be kept in the custody of the sheriff or marshal, who shall not suffer any communication to be made to them except by order of the court, and shall not be discharged until the original jurors are discharged, except as hereinafter provided.

If at any time, whether before or after the final submission of the case to the jury, a juror dies or becomes ill, or upon other good cause shown to the court is found to be unable to perform his duty, or if a juror requests a discharge and good cause appears therefor, the court may order him to be discharged and draw the name of an alternate, who shall then take his place in the jury box, and be subject to the same rules and regulations as though he has been selected as one of the original jurors.

All laws relative to fees, expenses, and mileage or transportation of jurors shall be applicable to alternate jurors, except that the sums for fees and mileage or transportation need not be deposited until the judge directs alternate jurors to be impaneled.

SEC. 2. Section 1089 of the Penal Code is amended to read:

1089. Whenever, in the opinion of a judge of a superior or of a municipal court about to try a defendant against whom has been filed any indictment or information or complaint, the trial is likely to be a protracted one, the court may cause an entry to that effect to be made in the minutes of the court, and thereupon, immediately after the jury is impaneled and sworn, the court may direct the calling of one or more additional jurors, in its discretion, to be known as "alternate jurors."

Such alternate jurors must be drawn from the same source, and in the same manner, and have the same qualifications as the jurors already sworn, and be subject to the same examination and challenges; provided, that the prosecution and the defendant shall each be entitled to as many peremptory challenges to such alternate jurors as there are alternate jurors called. When two or more defendants are tried jointly each defendant shall be entitled to as many peremptory challenges to such alternate jurors as there are alternate jurors called. The prosecution shall be entitled to additional peremptory challenges equal to the number of all the additional separate challenges allowed the defendant or defendants to such alternate jurors.

Such alternate jurors shall be seated so as to have equal power and facilities for seeing and hearing the proceedings in the case, and shall take the same oath as the jurors already selected, and must attend at all times upon the trial of the cause in company with the other jurors; and for a failure so to do are liable to be punished for contempt.

They shall obey the orders of and be bound by the admonition of the court, upon each adjournment of the court; but if the regular jurors are ordered to be kept in the custody of the sheriff or marshal during the trial of the cause, such alternate jurors shall also be kept in confinement with the other jurors; and upon final submission of the case to the jury such alternate jurors shall be kept in the custody of the sheriff or marshal and shall not be discharged until the original jurors are discharged, except as hereinafter provided.

If at any time, whether before or after the final submission of the case to the jury, a juror dies or becomes ill, or upon other good cause shown to the court is found to be unable to perform his duty, or if a juror requests a discharge and good cause appears therefor, the court may order him to be discharged and draw the name of an alternate, who shall then take his place in the jury box, and be subject to the same rules and regulations as though he had been selected as one of the original jurors.

CHAPTER 722

An act to add Section 10427.5 to the Streets and Highways Code, relating to disposition of surplus improvement funds.

[Approved by Governor June 3, 1963. Filed with Secretary of State June 3, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 10427.5 is added to the Streets and Highways Code, to read:

10427.5. If any work to be performed under this division is deleted from a specific lot fronting on the improvement because the work has been already performed, or because there is a conflict with other public improvement projects, the surplus in the improvement fund resulting from the deletion of such work may be returned to the owner of that lot, as the owner appears from the last equalized assessment roll at the time the refund is made.

CHAPTER 723

An act to add Section 14207.5 to the Elections Code, relating to the hours for voting.

[Approved by Governor June 3, 1963. Filed with Secretary of State June 3, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 14207.5 is added to the Elections Code, to read:

14207.5. In any county which uses voting machines in all precincts in the county, the polls shall be opened at 7 o'clock a.m. of the day of any election, including any primary election, and shall be kept open until 8 o'clock p.m. of the same day, when the polls shall be closed, except as provided in Section 14436.

If voting machines are to be used in less than all precincts in the county, the board of supervisors, by resolution adopted prior to the publication of notice of the election, may provide that the polls shall be kept open until 8 o'clock p.m. If the board does so provide, all polling places in the county shall be kept open until 8 o'clock p.m., regardless of whether or not voting machines are used therein.

CHAPTER 724

An act to amend Section 26883 of the Government Code, relating to audits performed by counties.

[Approved by Governor June 3, 1963 Filed with Secretary of State June 3, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 26883 of the Government Code is amended to read:

26883. In addition to the power now possessed by the board of supervisors to enter into contracts for audits the board shall have the power to require that the county controller shall audit the accounts and records of any department, office, board or institution under its control and of any district whose funds are kept in the county treasury. The county controller's report on any such audit shall be filed with the board of supervisors and a copy thereof with the district attorney.

The governing body of any district may agree with the board of supervisors to reimburse the county for its actual cost of any audit of its accounts and records had under this section.

CHAPTER 725

An act to amend Sections 2, 3, and 8 of, and to add Sections 10.1 and 10.2 to, San Mateo County Flood Control District Act (Chapter 2108, Statutes of 1959), relating to flood control districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 3, 1963 Filed with Secretary of State June 3, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 2 of the San Mateo County Flood Control District Act (Ch. 2108, Stats. 1959) is amended to read:

Sec. 2. The objects and purposes of this act are to provide for the control of the flood and storm waters of said district and the flood and storm waters of streams that have their source outside of said district but which streams and the said waters thereof flow into said district, and, as a part of said control, to conserve such waters for beneficial and useful purposes when practical by retarding, spreading, storing, retaining and causing such waters to percolate into the soil within said district or without said district or to save or conserve in any manner all or any of such waters, and protect from such flood or storm waters, the watercourses, watersheds, harbors, public highways, life and property in said district, and to prevent waste of water or diminution of the water supply in,

or exportation of water from said district and to obtain, retain and reclaim drainage, storm, flood and other waters for beneficial use in said district, and to engage in recreation activities incidental to and in connection with said purposes.

SEC. 2. Section 3 of said act is amended to read:

Sec. 3. The San Mateo County Flood Control District is hereby declared to be a body corporate and politic and as such shall have in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual succession.

2. To adopt a seal and alter it at pleasure.

3. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

4. To acquire, by grant, purchase, gift, devise, lease, contract, condemnation, construction or otherwise, lands, rights-of-way, easements, privileges and property of any kind, whether real, personal or mixed, and to construct, maintain and operate any and all works or improvements within or without the district necessary, convenient or proper to carry out any of the objects or purposes of this act, and to complete, extend, add to, repair or otherwise improve any works or improvements or property acquired by it as authorized by this act; to indemnify or compensate any owner of land or other property for any injury or damage caused by the exercise of the powers conferred by this act.

5. To hold, use, enjoy and to lease, sell, or otherwise dispose of real, personal or mixed property of every kind within or without the district necessary or convenient to the full exercise of its powers.

6. To incur indebtedness, and to issue bonds in the manner herein provided.

6.5. To store water in surface or underground reservoirs within or outside of the district for the common benefit of the district or of any zone or zones affected; to conserve and reclaim water for present and future use within the district; to appropriate and acquire water and water rights, and import water into the district and to conserve within or outside of the district, water for any purpose useful to the district; and to do any and every lawful act necessary to be done that sufficient water may be available for any present or future beneficial use or uses of the lands or inhabitants within the district, including but not limited to, the acquisition, storage and distribution of water for irrigation, domestic, fire protection, municipal, commercial, industrial, and all other beneficial uses; to distribute, sell, or otherwise dispose of, outside the district, any waters not needed for beneficial uses within the district; to commence, maintain, intervene in, defend or compromise, in the name of the district in behalf of the landowners therein, or otherwise, and to assume the costs and expenses of any action or proceeding involving or affecting the ownership or use of waters

or water rights within or without the district, used or useful for any purpose of the district or of common benefit to any land situated therein, or involving the wasteful use of water therein; to commence, maintain, intervene in, defend and compromise and to assume the cost and expenses of any and all actions and proceedings now or hereafter begun; to prevent interference with or diminution of, or to declare rights in the natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the district or of common benefit to the lands within the district or to its inhabitants; to prevent unlawful exportation of water from said district; to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used or useful in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in, or flowing into, the district; provided, however that said district shall not have power to intervene or take part in, or to pay the costs or expenses of, actions or controversies between the owners of lands or water rights which do not affect the interests of the district.

7. To control the flood and storm waters of said district and the flood and storm waters of streams that have their source outside of said district, but which streams and the floodwaters thereof, flow into said district, and to conserve such waters for beneficial and useful purposes within said district by retarding, spreading, storing, retaining and causing to percolate into the soil within or without said district, or to save and conserve in any manner all or any of such waters and protect from damage from such flood or storm waters and watercourses, watersheds, harbors, public highways, life and property in said district.

8. To have and exercise the right of eminent domain, either within or without said district, and in the manner provided by law for the condemnation of private property for public use to take any property necessary to carry out any of the objects or purposes of this act, whether such property be already devoted to the same use by any district or other public corporation or agency or otherwise, and to condemn, any existing works or improvements in said district now or hereafter used to control flood or storm waters or to conserve such flood or storm waters or to protect any property in said district from damage from such flood or storm waters, and it is hereby declared that the use of the property, lands, rights-of-way, easements, or materials which may be condemned, taken or appropriated under the provisions of this act, is a public use subject to the regulation and control of the State in the manner prescribed by law; provided, however, that nothing in this act contained shall be deemed to authorize said district, or any person or persons to divert the waters of any river, creek, stream, irrigation system, canal or ditch,

from its channel, to the injury or detriment of any person, or persons, having any interest in such river, creek, stream, irrigation system, canal or ditch, or the waters thereof or therein, unless compensation be first ascertained and paid therefor, under the laws of this State authorizing the taking of private property for public use, except as provision is made in the Constitution of the State for the taking of immediate possession of certain properties; provided further, however, that the district in exercising such powers shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction or relocation of any structure, railroads, mains, pipes, conduits, wires, cable, poles of any public utility which is required to be reconstructed or relocated.

The power of eminent domain vested in the board of supervisors of said district shall include the power to condemn in the name of the district with the fee simple or any lesser estate or interest in any real property which said board by resolution shall determine is necessary for carrying out the purposes of this act. Such resolution shall be prima facie evidence that the taking of the fee simple or any lesser estate or interest in such property, as the case may be, is necessary; provided, however, that when the board of supervisors shall, by resolution or ordinance, adopted by vote of two-thirds of all its members, have found and determined that the public interest and necessity require the acquisition, construction or completion by said district of any public improvement for flood control purposes and that the property described in such resolution or ordinance is necessary therefor, such resolution or ordinance shall be conclusive evidence (a) of the public necessity of such proposed public improvement, (b) that such property is necessary therefor, and (c) that such proposed public improvement is planned or located in the manner which will be most compatible with the greatest public good, and the least private injury. Whenever real property or easements therein which is devoted to or held for some other public or quasi-public use is required by the district for flood control or water conservation purposes, the district may condemn real property or easements therein adjacent thereto or in the immediate vicinity thereof to be exchanged for the real property or easements therein required by the district as aforesaid for flood control purposes.

9. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines of channels, conduits, canals, pipelines, roadways and other rights-of-way; to acquire by purchase, lease, contract, condemnation, gift or other legal means all lands and water and water rights and other property necessary or convenient for the construction, operation, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs, for storage of necessary water, and all necessary appurtenances, and

also where necessary or convenient to said end, and for said purposes and uses, to acquire and hold the stock of corporations, domestic or foreign, owning water or water rights, canals, waterworks, powerplants, easements, franchises, concessions or rights; to enter into and to do any and all acts necessary or proper for the performance of any agreement with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by said San Mateo County Flood Control District; to acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the district; to grant any owner or lessee the right to the use of any water or the right to store such water in any reservoir of the district or to carry such water through any tunnels, canal, ditch or conduit of the district; to enter into and to do any acts necessary or proper for the performance of any agreement with any district or other political entity of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or individual of any water right or water pumped, stored, appropriated or otherwise acquired, or secured for the use of the San Mateo County Flood Control District; to co-operate with, and to act in conjunction with the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the Government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, in the construction of any work for the controlling of flood or storm waters of said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any such works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose as authorized herein.

10. To cause taxes and assessments to be levied and collected for the purpose of paying any obligation of the district and to carry out any of the purposes of this act, in the manner hereinafter provided.

11. To carry on technical and other investigations of all kinds, make measurements, collect data and make analyses, studies, and inspections pertaining to water sources, water rights, control of floods and use of water, both within and without said district, and for such purposes said district shall have the right of access through its authorized representatives to all properties within said district.

12. To make contracts and to employ labor and professional services and to do all acts necessary for the full exercise of all powers vested in said district, or any of the officers thereof by this act.

Provided, that in the exercise of the powers vested in it by this act, with respect to lands lying without the exterior boundaries of the County of San Mateo, said San Mateo County Flood Control District shall obtain, prior to the taking of any action to carry out the purposes of this act without said boundaries, written approval of the action from the governing body of each affected county, city and county, and city.

13. To plan, improve, operate, maintain, and keep in a sanitary condition, a system of public parks, playgrounds, beaches, swimming areas and other facilities for public recreation, for the use and enjoyment of all inhabitants of the district, as an incident to the carrying out of the projects of the district and on land acquired or used for the flood control drainage and water conservation purposes of this act; to construct, maintain, and operate any other amusement or recreational facilities on such lands, including picnic benches and tables, bathhouses, golf courses, tennis courts, or other special amusements and forms of recreation; to fix and collect reasonable fees for the use by the public of any such special facilities, services or equipment; and to adopt such rules and regulations as in the discretion of the board are necessary to the orderly operation and control of the use by the public of such lands and facilities for recreational purposes; provided, however, that the board shall not, for the purposes specified in this subdivision, interfere with control or operation of any existing public park, playground, beach, swimming area, parkway, recreation ground, or other public property, owned or controlled by any other district or municipality, except with the consent of the governing body of such district or municipality, and upon terms as may be mutually agreed upon between the board and the governing body.

SEC. 3. Section 8 of said act is amended to read:

Sec. 8. The board of supervisors of said district shall have power, in any year:

1. To levy taxes or assessments in each or any of the zones of the district to pay the cost and expenses of administering, engineering, constructing, maintaining, operating, extending, repairing or otherwise improving any or all works or improvements established or to be established within or on behalf of said zone or zones, according to the benefits derived or to be derived by said respective zones, by either of the following methods:

(a) By a levy or assessment upon all property within a zone or participating zone, including land, improvements thereon, and personal property;

(b) By a levy or assessment upon all real property within a zone or participating zone, including both land and improvements thereon.

It is declared that for the purposes of any tax or assessment levied under this subdivision, the property so taxed or assessed within a given zone is equally benefited.

2. To levy taxes or assessments by either method authorized by subdivision 1 of this section in each or any of said zones, according to the special benefits derived or to be derived by the specific properties therein, to pay the cost and expenses of carrying out any of the objects or purposes of this act of special benefit to such zone or zones, including the constructing, administering, engineering, maintaining, operating, extending, repairing, or otherwise improving any or all works of improvement established or to be established within or on behalf of said zone or zones.

3. To levy taxes or assessments for any improvements to be made within a zone within which one or more subzones are established pursuant to Section 10.1 of this act in the manner provided by, and subject to the limitations of, that section.

4. Said taxes or assessments shall be levied and collected together with, and not separately from, taxes for county purposes, and the revenues derived from said taxes shall be paid into the county treasury to the credit of said district, and said board of supervisors shall have the power to control and order the expenditure thereof for said purposes; provided, however, that no revenues, or portions thereof, derived in any of the several zones from the taxes or assessments levied under the provisions of subdivision 1 of this section shall be expended for administering, engineering, constructing, maintaining, operating, extending, repairing, or otherwise improving any works or improvements located in any other zone except as provided in Section 11 hereof; and provided, further, however, that the maximum tax or assessment rate for any zone or subzone established pursuant to Section 10 hereof shall be fixed by the board in its resolution establishing the zone or subzone but the aggregate taxes or assessments levied in any zone or subzone established under this act for any fiscal year shall not exceed the maximum tax or assessment rate so established by the board, nor shall such taxes or assessments exceed forty cents ($0.40) on each one hundred dollars ($100) of assessed valuation of the taxable property in such zone or subzone, whichever is less, exclusive of any tax levied to meet the bonded indebtedness of any such zone or subzone and the interest thereon, unless a majority of the electors voting at an election held for that purpose are in favor of a higher maximum tax or assessment rate for such zone or subzone. Any election on the question of increasing the maximum tax or assessment rate to be levied in any such zone or subzone shall be held and conducted in the same manner as is provided in this act for the holding and conducting of special bond elections within zones.

SEC. 2. Section 10.1 is added to the San Mateo County Flood Control District Act (Ch. 2108, Stats. 1959), to read:

Sec. 10.1. The board shall, by resolution, at the time of the establishment of a zone pursuant to Section 10 of this act, order the formation of any subzone within such a zone where, in the opinion of the board, the contemplated improvements authorized by this act will be financed by the incurring of a bonded indebtedness and are of special benefit to any such subzone, and are not of equal benefit to the entire zone within which any such subzone is proposed to be established. Notice of the intention to form any such subzone or subzones within a zone shall be given in the same manner as the notice of hearing on the formation of a zone pursuant to Section 10 of this act. Any such subzone may be formed within the zone without regard to the boundaries of any natural drainage basin and the board may form as many subzones within a zone as may, in the opinion of the board, be necessary. At the time of the formation of any such subzone the board shall determine, after engineering studies for such purpose, the percentage (%) of benefit from the improvements proposed to be made within the zone to inure to the property in any such subzone. In the event that any bonded indebtedness is thereafter incurred within a zone established pursuant to Section 10 of this act which contains one or more such subzones, the property within each such subzone shall be taxed to pay that percentage (%) of the principal and interest of such bonded indebtedness determined to be the percentage (%) of benefit to the property within such subzone, by the board in the manner above mentioned. In the event that any tax or assessment for improvements is thereafter levied within a zone established pursuant to Section 10 of this act which contains one or more such subzones, the property within each such subzone shall be taxed or assessed to pay that percentage of the improvement costs determined to be the percentage of benefit to the property within such subzone by reason of such improvements.

The board may, after the establishment of any zone pursuant to Section 10 of this act, establish any such subzone after such notice and public hearing as the board may deem necessary in connection therewith and may fix the percentage (%) of benefit therefor in the same manner and for the same purpose as for a subzone established at the time of the establishment of the zone, provided, however, that no such subzone established within a zone after a bonded indebtedness has been approved by the voters within such zone shall be effective for the purpose of determining the percentage of principal and interest on any such bonded indebtedness to be borne by such subzone except with respect to a bonded indebtedness approved by the voters after the formation of such subzone. In the event that one or more subzones have been established within a zone pur-

suant to this section, any proposition for the incurring of a bonded indebtedness within a zone, or for increasing the maximum tax rate within the zone or subzone, shall indicate the fact that such subzone or subzones have been established in such manner as the board may deem appropriate.

The procedure for the levy and collection of taxes within each such subzone for the purpose herein provided in this section shall be the same as the procedure for the levy and collection of taxes within a zone established pursuant to Section 10 of this act.

SEC. 3. Section 10.2 is added to said act, to read:

Sec. 10.2. In any fiscal year in which a tax or assessment is to be levied within a zone or subzone which contains part or all of the territory of any city, any such city may, if the express approval of the board is obtained, pay, in lieu of such tax or assessment to be levied in such city, from any funds of the city available therefor, an amount equal to the total taxes or assessments which would otherwise be derived from the taxable property of such city by the levy of the tax or assessment during such fiscal year within the zone or subzone containing such taxable property of such city. In the event that the payment in lieu of taxes or assessments herein provided for is made by a city prior to the commencement of any fiscal year, no tax or assessment levied within the zone or subzone containing the taxable property of such city shall be levied or collected within the territory of the city during such fiscal year. In the event that a city elects to, and does, with the approval of the board, make any such payment in lieu of a tax or assessment for any one fiscal year for the purpose herein provided, such city shall continue to be obligated to make such payments in lieu of such tax or assessment in succeeding fiscal years unless on or before February 1st of any year the legislative body of such city notifies the board that the city will not make such payments during subsequent fiscal years commencing on the July 1st after the giving of such notice.

SEC. 4. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

This act would add provisions which will enable the San Mateo Flood Control District to undertake certain urgently needed flood control projects. Unless these projects can be begun during the summer of 1963, there may be a dangerous threat of flooding in the winter of 1963-4 when the heavy rainfall begins. The possible loss of life and property requires that the projects be started at the earliest possible moment. It is therefore essential that this act go into immediate effect.

CHAPTER 726

An act to amend Section 4232 of the Business and Professions Code, relating to inspection of records.

[Approved by Governor June 3, 1963. Filed with Secretary of State June 3, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 4232 of the Business and Professions Code is amended to read:

4232. All records of manufacture and of sale or disposition of dangerous drugs shall be at all times, during business hours, open to inspection by authorized officers of the law, and shall be preserved for at least three years from the date of making. A current inventory shall be kept by every manufacturer, wholesaler, pharmacy, except as provided in Section 4226.5 of this code, physician, dentist, podiatrist, veterinarian, laboratory, or a clinic, hospital, institution, or establishment holding a currently valid and unrevoked license or permit under Division 2 (commencing with Section 1200) of the Health and Safety Code or under Part 3 (commencing with Section 1620) of Division 2 of, Chapter 2 (commencing with Section 2300) of Division 3 of, or Part 2 (commencing with Section 5699) of Division 6 of the Welfare and Institutions Code who maintains a stock of dangerous drugs.

Any person who fails, neglects, or refuses to maintain such records or who, when called upon by an authorized officer or a member of the board, fails, neglects or refuses to produce such records within a reasonable time, or who willfully produces or furnishes records which are false, is guilty of a misdemeanor.

CHAPTER 727

An act to amend Section 5782.5 of the Public Resources Code, relating to recreation and park districts.

[Approved by Governor June 3, 1963. Filed with Secretary of State June 3, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 5782.5 of the Public Resources Code is amended to read:

5782.5. The district board shall have and exercise all rights and powers, expressed or implied, necessary to carry out the purposes and intent of this chapter, including but not limited to the power:

(a) To sue and be sued.

(b) To take or acquire real or personal property of every kind or any interest therein, within and without the district,

by grant, purchase, gift, devise or lease, and to hold, manage, occupy, dispose of, convey and encumber the same and create a leasehold interest in same for the benefit of the district.

(c) To exercise the right of eminent domain, except that such right shall be exercised only within the territory of the district after approval for such exercise has been granted by resolution of the supervising authority.

(d) To appoint and employ and pay persons who are necessary and adequately trained, to maintain and operate the property, improvements and facilities under its control and to operate programs of public recreation. The board may employ personnel at the pleasure of the board or by contract, and may establish a merit system, retirement privileges, and provide for other employment practices either directly or through contractual arrangement with the State or other public agency or private organization.

(e) To employ counsel.

(f) To enter into and perform all necessary contracts.

(g) To borrow money, give security therefor, purchase on contract, and do and perform any and all acts and things necessary or proper to carry out the provisions of this chapter.

(h) To contract with any public entity or person for the construction by the public entity or person or a contractor, financing, maintenance, or operation of recreational facilities and activities within the district, provided that the district shall nevertheless be responsible for and maintain control over such construction, financing or operation of such recreational facilities and activities, and that the district shall receive a full consideration therefor.

CHAPTER 728

An act to amend Section 977.04 of the Education Code, relating to trustee areas.

[Approved by Governor June 3, 1963. Filed with Secretary of State June 3, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 977.04 of the Education Code is amended to read:

977.04. A proposal to establish trustee areas in a school district may be initiated by the county committee on its own motion, by a petition to the county committee signed by two members of the governing board of the school district concerned if a three-member board, four members if a five-member board, five members if a seven-member board and three-fourths (¾) of the members of any other governing board of the school district concerned, or by a petition to the county committee

signed by at least two percent (2%) of the qualified electors residing in such school district.

When any such proposal is made the county committee shall conduct a hearing in the district on the matter, and such committee shall be augmented, pursuant to Section 3113, for the purpose of the hearing. At the conclusion of the hearing, the committee shall approve or disapprove the proposal. If the committee approves the proposal it shall forthwith divide the district into trustee areas. The committee may provide for more than one trustee from each trustee area. In so doing, the county committee shall provide for representation in accordance with population and geographic factors of the entire area of the district.

CHAPTER 729

An act to amend Sections 310 and 321 of the Elections Code, relating to the registration of voters.

[Approved by Governor June 3, 1963. Filed with Secretary of State June 3, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 310 of the Elections Code is amended to read:

310. The affidavit of registration shall show:

(a) The facts necessary to establish the affiant as an elector.

(b) Affiant's name at length, including his given name, and a middle name or initial, or if the initial of his given name is customarily used, then the initial and middle name. The given name of a woman shall be preceded in all cases by the designation of Miss or Mrs.

(c) Affiant's place of residence and post office address with sufficient particularity to identify it and to determine affiant's voting precinct.

(d) Affiant's occupation.

(e) The country or state of affiant's birth.

(f) If foreign born, how citizenship was acquired, whether by:

(1) Citizenship of father.

(2) Treaty or act of Congress.

(3) Order of a court of naturalization.

(4) Marriage to a citizen.

(5) Naturalization of a parent or husband.

The place where the affiant became a citizen shall be stated except in the case of citizenship acquired by citizenship or naturalization of parents, by treaty, or by act of Congress. When citizenship depends upon the citizenship or naturalization of a parent or husband, the name of the parent or husband shall be stated.

(g) Whether the elector is able to read the Constitution in the English language and to write his name, and whether the elector has any physical disability by reason of which he cannot mark the ballot, in which case the nature of such disability shall be stated.

(h) That the affiant is not disqualified to vote by reason of a felony conviction.

The affiant shall sign the affidavit with his name at length, including given name, middle name or initial, or initial and middle name, and if he is unable to write he shall sign with a mark or cross, and the person before whom the affidavit is made shall insert the date of the affidavit, which shall be the date of the jurat.

SEC. 2. Section 321 of said code is amended to read:

321. Subject to the provisions of this chapter, the body of the affidavit of registration shall be substantially in the following form:

For transfer or change of name	I am registered under the name of _____ in _____ Assembly District, _____ precinct in said county and request that said registration be canceled.

AFFIDAVIT OF REGISTRATION

State of California, }
County of (_____) } ss.

The undersigned affiant, being duly sworn, says: I will be at least 21 years of age at the time of the next succeeding election, a citizen of the United States 90 days prior thereto, and a resident of the State one year, of the county 90 days, and of the precinct 54 days next preceding such election, and will be an elector of this county at the next succeeding election.

1. I am not now registered as a voter in this State. (If now registered in this county under this or another name, mark out word "not" and fill out transfer clause at top. If now registered in another county, mark out word "not" and execute a separate affidavit of cancellation before registering.)

2. My full name is _____ (including Christian or given name, and middle name or initial and in case of women, the prefix Miss or Mrs.).

3. My residence is _____ between _____ and _____ Streets, _____ floor, Room ____.

4. My occupation is _____.

5. My height is _____ feet _____ inches.

6. I was born in _____.
(State or country)

7. I acquired citizenship by (underline method of acquiring citizenship):

a. Decree of court.
b. { Father's naturalization. / Mother's naturalization.
c. Citizenship of father.
d. Marriage to a citizen.
e. Naturalization of my husband.
f. Act of Congress.
g. Treaty.

Where { city / state } _____

My { father's / husband's / mother's } name is (was) _____

(To be filled out when citizenship depends on citizenship or naturalization of parent or husband.)

8. I can _____ read the Constitution in the English language; I can _____ write my name; I am entitled to vote by reason of having been on October 10, 1911, an elector.

I can _____ mark my ballot by reason of _____ (State physical disability, if any.)

9. I intend to affiliate at the ensuing primary election with the _____ party. (If affiliation is not given, write or stamp "Declines to state.")

10. I am not disqualified to vote by reason of a felony conviction.

_____
(Affiant sign here.)

Residence_____

Subscribed and sworn to before me this _____ day of _____, 19___.

_____
County Clerk.

By_____
Deputy County Clerk.

Assembly District _____
Post office address is _____ Precinct _____
Rural Route No. _____ Box No. _____

CHAPTER 730

An act to amend Section 25350 of the Government Code, relating to the acquisition of property by counties.

[Approved by Governor June 3, 1963. Filed with Secretary of State June 3, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 25350 of the Government Code is amended to read:

25350. No purchase of real property, including any water right or other interest therein, of which the purchase price is

in excess of two thousand dollars ($2,000) shall be made unless a notice of the intention of the board of supervisors to make the purchase is published in the county pursuant to Section 6063. If no newspaper is published in the county, the notice shall be posted at least three weeks prior to the time the board meets to consummate the purchase in at least three public places in each supervisorial district. The notice shall contain a description of the property proposed to be purchased, the price, the vendor, and a statement of the time the board will meet to consummate the purchase.

Nothing contained in this section shall be deemed to preclude the settlement of an action in eminent domain or the acquisition of any real property or interest therein for the uses and purposes of county highways without compliance with this section.

CHAPTER 731

An act to add Section 31469.6 to the Government Code, relating to the County Employees Retirement Law of 1937.

[A.B. 1363 having remained with the Governor 10 days (Sundays excepted), and the Legislature being in session, it became law without his signature. (See Section 9516, Government Code.) Filed with Secretary of State June 3, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 31469.6 is added to the Government Code, to read:

31469.6. Law enforcement employees of a harbor improvement district are safety members subject to Article 6.8 (commencing with Section 31639) and Article 7.5 (commencing with Section 31662) of this chapter, and to such other provisions of this chapter as apply to safety members.

CHAPTER 732

An act to amend Section 446 of the Code of Civil Procedure, relating to verification of pleadings.

[Approved by Governor June 4, 1963. Filed with Secretary of State June 4, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 446 of the Code of Civil Procedure is amended to read:

446. Every pleading (except in justice courts when the pleadings are oral) shall be subscribed by the party or his

attorney. When the State, any county thereof, city, or school district, or any officer of the State, or of any county thereof, city, or school district, in his official capacity, is plaintiff, the answer shall be verified, unless an admission of the truth of the complaint might subject the party to a criminal prosecution, or, unless a county thereof, city, or school district, or an officer of the State, or of any county, city, or school district, in his official capacity, is defendant. Except in justice courts, when the complaint is verified, the answer shall be verified. In all cases of a verification of a pleadings, the affidavit of the party shall state that the same is true of his own knowledge, except as to the matters which are therein stated on his information or belief, and as to those matters that he believes it to be true; and where a pleading is verified, it shall be by the affidavit of a party, unless the parties are absent from the county where the attorney has his office, or from some cause unable to verify it, or the facts are within the knowledge of his attorney or other person verifying the same. When the pleading is verified by the attorney, or any other person except one of the parties, he shall set forth in the affidavit the reasons why it is not made by one of the parties.

When a corporation is a party, the verification may be made by any officer thereof. When the State, any county thereof, city, or school district, or any officer of the State, or of any county thereof, city, or school district, in his official capacity is plaintiff, the complaint need not be verified; and if the State, any county thereof, city, or school district, or an officer of such state, county, city, or school district in his official capacity is defendant, its or his answer need not be verified.

When the verification is made by the attorney for the reason that the parties are absent from the county where he has his office, or from some other cause are unable to verify it, or when the verification is made on behalf of a corporation or public agency by any officer thereof, such attorney's or officer's affidavit shall state that he has read the pleading and that he is informed and believes the matters therein to be true and on that ground alleges that the matters stated therein are true; provided that in such cases the pleading shall not otherwise be considered as an affidavit or declaration establishing the facts therein alleged.

A person verifying a pleading need not swear to the truth or his belief in the truth of the matters stated therein but may, instead, assert the truth or his belief in the truth of such matters "under penalty of perjury."

CHAPTER 733

An act to amend Section 2943 of, and to repeal Section 2954, as added by Chapter 1561 of the Statutes of 1961, of the Civil Code, relating to mortgages and deeds of trust.

[Approved by Governor June 4, 1963. Filed with Secretary of State June 4, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 2943 of the Civil Code is amended to read:

2943. A mortgagee or beneficiary of a deed of trust, or his assignees, or his authorized agent, shall, on the written demand of the mortgagor or trustor, or his authorized agent or his successor in interest, made before the recording of a notice of default under a deed of trust containing a power of sale or before the commencement of a foreclosure proceeding or recordation of notice of default, prepare and deliver to him a written statement showing:

(a) The amount of the unpaid balance of the obligation secured by the mortgage or deed of trust and the interest rate.

(b) The amounts of periodic payments, if any.

(c) The date on which the obligation is due in whole or in part.

(d) The date to which real estate taxes and special assessments have been paid to the extent such information is known to the lender.

(e) The amount of hazard insurance in effect and the term and premium of such insurance to the extent such information is known to the lender.

(f) The amount in an account, if any, maintained for the accumulation of funds with which to pay taxes and insurance premiums.

If demand is made by an agent of the trustor or by the successor in interest of the trustor, the beneficiary may, before delivering a statement, require reasonable proof that the person making the demand is, in fact, an authorized agent or a successor in interest, in which event the beneficiary shall not be subject to the penalties of this section until 21 days after receipt of statement by the trustor or his successor in interest appointing the authorized agent or successor in interest. A statement in writing signed by the trustor or his successor in interest appointing an authorized agent when delivered personally to the mortgagee or beneficiary or delivered by registered return receipt mail shall constitute reasonable proof as to the identity of an agent. Similar delivery of a policy of title insurance, preliminary report issued by a title company, original or photographic copy of a grant deed or certified copy of letters

testamentary, guardianship, or conservatorship shall constitute reasonable proof as to the identity of a successor in interest, provided the person demanding a statement is named as successor in interest in the document.

Delivery of the statement by the mortgagee or beneficiary, as herein referred to, shall mean depositing or causing to be deposited in the United States mail an envelope, with postage prepaid, containing a copy of the statement, addressed to the person whose name and address is set forth in the demand therefor.

If a mortgagee or beneficiary under a deed of trust, or his assignee, for a period of 21 days after receipt of such written demand willfully fails to prepare and deliver such statement, he is liable to the mortgagor or trustor or his successor in interest for all damages which he may sustain by reason of such refusal and, whether or not actual damages are sustained, he shall forfeit to the mortgagor or trustor the sum of one hundred dollars ($100). Each such failure to prepare and deliver such a statement, occurring at a time when, pursuant to this section, the mortgagee or trustee, is required to prepare and deliver the statement, creates a separate cause of action, but a judgment awarding a mortgagor or trustor such forfeiture, or damages and forfeiture, for any such failure to prepare and deliver a statement bars recovery of such damages and forfeiture for any other failure to prepare and deliver a statement, with respect to the same obligation, in compliance with a demand therefor made within six months before or after the demand as to which the award was made.

If the mortgagee or beneficiary of a deed of trust, or his assignee, has more than one branch, office or other place of business, then the demand shall be made to the branch or office at which the payments of the obligation are made, and the statement, unless it specifies otherwise, shall be deemed to apply only to the unpaid balance owing to or payable at the branch or office secured by the mortgage or deed of trust.

The mortgagee or beneficiary of a deed of trust, or his assignees, may make a charge not to exceed fifteen dollars ($15) for furnishing the required statement, except that no charge shall be made for such statement unless such charge has been specifically provided for in such mortgage or deed of trust, and that this requirement for provision for such charge in the instrument shall not apply to mortgages or deeds of trust insured by the Federal Housing Administrator or guaranteed by the Administrator of Veterans Affairs.

This section applies only to mortgages and deeds of trust executed on or after January 1, 1964.

SEC. 2. Section 2954 of said code, as added by Chapter 1561, Statutes of 1961, is repealed.

CHAPTER 734

An act to amend Section 6503 of the Public Resources Code, relating to private recreational piers.

[Approved by Governor June 4, 1963. Filed with Secretary of State June 4, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 6503 of the Public Resources Code is amended to read:

6503. Upon receipt of an application to lease lands under this chapter, the commission shall appraise the lands and fix the annual rental per acre or other consideration therefor; provided, no rental fee shall be charged for private recreational piers constructed for the use of a littoral land owner. A littoral land owner, as used in this section, shall be only a natural person or persons, using the littoral land solely for a private single-family dwelling house and shall not include the owner of unimproved land.

CHAPTER 735

An act to add Section 813 to the Civil Code, relating to servitudes.

[Approved by Governor June 4, 1963. Filed with Secretary of State June 4, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 813 is added to the Civil Code, to read:

813. The holder of record title to land may record in the office of the recorder of any county in which any part of the land is situated, a notice of consent to the use of his land, or any portion thereof, for the purpose described in the notice. The recorded notice of consent is evidence that subsequent use of the land for such purpose is permissive and with consent. The notice of consent may be revoked by the holder of record title by recording a notice of revocation in the office of the recorder wherein the notice of consent is recorded.

In the event of use by other than the general public, any such notices, to be effective, shall also be served by registered mail on the user.

The recording of a notice of consent shall not be deemed to affect rights vested at the time of recording.

CHAPTER 736

An act to add Chapter 7 (commencing with Section 5600) to Division 6 of Title 1 of the Government Code, and to amend Sections 43622 and 29914 of the Government Code, Section 21806 of the Education Code, Sections 25207, 36194, 36349 and 55524 of the Water Code, Sections 4789, 6645 and 32306 of the Health and Safety Code, Section 35406 of the Streets and Highways Code, Sections 13242 and 17004 of the Public Utilities Code, Section 5784.26 of the Public Resources Code and Section 7 of the Los Angeles County Flood Control Act, relating to the denominations of bonds and other evidences of indebtedness of public bodies.

[Approved by Governor June 4, 1963. Filed with Secretary of State June 4, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 7 (commencing with Section 5600) is added to Division 6 of Title 1 of the Government Code, to read:

CHAPTER 7. DENOMINATIONS

5600. "Public body" as used in this chapter means any county, city and county, city, public district, public authority or other public corporation, or any agency of any thereof, which is authorized to issue bonds.

5601. "Bonds" as used in this chapter means bonds, warrants, notes and other evidences of indebtedness issued by or on behalf of any public body.

5602. "Governing body" means a board of supervisors, city council, board of directors or other legislative or governing body which has the power to provide for the issuance of bonds to be issued by or on behalf of any public body.

5603. Any provision of law specifying the maximum or minimum denomination of bonds to the contrary notwithstanding, a governing body in its ordinance, resolution or order providing for the issuance of any bonds may provide that such bonds shall be issued in a denomination or denominations of any amount or amounts prescribed by it. All bonds of an issue or series of bonds need not be of the same denomination.

5604. A governing body, in its ordinance, resolution or order providing for the issuance of any bonds, may provide a method whereby, at any time after the original issuance of the bonds, two or more bonds of the same issue or series and which are of like tenor may be exchanged for a single bond of like tenor and in a principal amount equal to the total of principal amounts of the bonds so exchanged, and may also provide a method whereby, at any time after the original issuance of the bonds, any single bond may be exchanged for two or more bonds of like tenor and of principal amounts totaling the principal amount of the bond so exchanged, and

may also provide for the signature or signatures to be affixed to any bonds or coupons issued in any such exchange. For the purposes of this section bonds are of "like tenor" if they bear the same interest rate, mature on the same date and are otherwise identical as to tenor except for bond number, denomination or coupon amounts.

SEC. 2. Section 43622 of the Government Code is amended to read:

43622. The bonds shall be issued in such denomination or denominations as the legislative body may prescribe.

SEC. 3. Section 29914 of said code is amended to read:

29914. The bonds may be issued in such denomination or denominations as the board of supervisors may prescribe.

SEC. 4. Section 21806 of the Education Code is amended to read:

21806. The bonds shall be issued in such denomination or denominations as the board may prescribe.

SEC. 5. Section 25207 of the Water Code is amended to read:

25207. The board shall fix the denomination or denominations of the bonds.

SEC. 6. Section 36194 of said code is amended to read:

36194. General obligation bonds shall be of such denomination or denominations as the board may prescribe.

SEC. 7. Section 36349 of said code is amended to read:

36349. Revenue bonds shall be of such denomination or denominations as the board may prescribe.

SEC. 8. Section 55524 of said code is amended to read:

55524. The bonds shall be issued in such denomination or denominations as the board may determine.

SEC. 9. Section 4789 of the Health and Safety Code is amended to read:

4789. The bonds shall be issued in such denomination or denominations as the district board may determine. They shall be payable on the day and at the place fixed in the bonds, and with interest at the rate specified in the bonds, which rate shall not be in excess of 6 percent per annum, and shall, after the first year, be payable semiannually.

SEC. 10. Section 6645 of said code is amended to read:

6645. Bonds issued by the district under the provisions of this part shall be of such denomination or denominations as the board determines.

SEC. 11. Section 32306 of said code is amended to read:

32306. Bonds issued under the authority of this chapter shall be of such denomination or denominations as the board of directors may prescribe.

SEC. 12. Section 35406 of the Streets and Highways Code is amended to read:

35406. The bonds shall be issued in such denomination or denominations as the legislative body may prescribe and payable on the day fixed in the bonds, with interest at the rate specified in the bonds. The interest rate shall not be in excess

of the maximum stated in the resolution of intention and shall be paid semiannually, except the first interest coupon may be for a different period.

SEC. 13. Section 13242 of the Public Utilities Code is amended to read:

13242. The bonds shall be issued in such denomination or denominations as the board determines, and shall be payable on the day and at the place or places fixed in the bonds, and with interest at the rate specified therein, payable semiannually.

SEC. 14. Section 17004 of said code is amended to read:

17004. The bonds shall be issued in such denomination or denominations as the board may prescribe and may be sold by the board at such times and in such manner as it determines, but at not less than par and accrued interest.

SEC. 15. Section 5784.26 of the Public Resources Code is amended to read:

5784.26. Bonds issued pursuant to this chapter shall be issued as follows:

(a) The district board may fix a date, not more than five years from the date of issuance, for the earliest maturity of each issue or series of bonds Beginning with the date of the earliest maturity of each issue or series, a part, to be determined by the district board, which shall be not less than one-fortieth of the indebtedness of such issue or series shall be payable annually at a date and place specified; provided, however, the bonds or any issue or series may be made to mature and become payable in approximately equal total annual installments of interest and principal, during the term of the bonds computed from the first year in which any part of the principal shall mature to the date of final maturity which annual installments may vary one from the other in amounts not exceeding in any year more than 5 percent of the total amount of the bonds of such issue or of the series thereof then proposed to be issued. The final maturity date shall not exceed 40 years from the time of incurring the indebtedness evidenced by each issue or series.

(b) The district board may divide the principal amount of any issue into two or more series and fix different dates for the bonds of each series. The bonds of one series may be made payable at different times from those of any other series. The maturity of each series shall comply with this chapter.

(c) The interest to be paid shall be stated upon the bond and shall not exceed the rate specified in the notice of election on the issuance of such bonds.

(d) The denomination of the bonds shall be fixed by the district board.

(e) The bonds shall be signed by the presiding officer of the district board and by the treasurer. Signatures may be facsimile by use of an engraved or lithographed signature.

(f) Interest coupons shall be numbered consecutively and signed by the treasurer in like manner as the bonds.

SEC. 16. Section 7 of the Los Angeles County Flood Control Act is amended to read:

Sec. 7. The said board of supervisors shall, subject to the provisions of this act, prescribe by ordinance the form of said bonds, and of the interest coupons attached thereto. Said bonds shall be payable substantially in the following manner: A part to be determined by said board, and which shall not be less than one-fortieth part of the whole amount of such indebtedness, shall be payable each and every year on a day and date, and at a place to be fixed by said board, and designate in such bonds, together with the interest on all sums unpaid on such date until the whole of said indebtedness shall have been paid.

The bonds shall be issued in such denominations as the said board of supervisors may determine and shall be payable on the day and at the place fixed in said bonds, and with interest at the rate specified in such bonds, which rate shall not be in excess of 6 per centum per annum, and shall be payable semiannually, and said bonds shall be signed by the chairman of the board of supervisors, and countersigned by the auditor of said Los Angeles County, and the seal of said district shall be affixed thereto. Such signatures and countersignatures may be printed, lithographed, engraved, or otherwise mechanically reproduced, except that one of said signatures or countersignatures to said bonds shall be manually affixed. Any such signature may be affixed in accordance with the provisions of the Uniform Facsimile Signatures of Public Officials Act, Chapter 6 (commencing with Section 5500) of Title 1 of the Government Code. The interest coupons of said bonds shall be numbered consecutively and signed by the auditor of said Los Angeles County by his engraved or lithographed signature. In case any such officer whose signatures or countersignatures appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such signature or countersignature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of the bonds.

CHAPTER 737

An act to add Section 5007 to the Government Code, relating to the registration of bonds of public bodies.

[Approved by Governor June 4, 1963. Filed with Secretary of State June 4, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 5007 is added to the Government Code, to read:

5007. Any legislative or governing body which authorizes the issuance of bonds of any county, city and county, city,

municipal corporation, public district, public authority or other public corporation may, in its ordinance, resolution or order providing for the issuance of such bonds, make any provision for or pertaining to the registration of such bonds, which provisions may be different from or supplemental to the provisions of this chapter or any other law pertaining to registration and which may include, but are not limited to, provisions for the original issuance of all or some of such bonds in registered form, for the subsequent registration of any bond issued in coupon form or payable to bearer, for the form and manner of registration, for registration as to principal only or as to both principal and interest, for changes from one type of registration to another type of registration, for the discharge from registration of any registered bond and for its conversion or reconversion into a coupon bond or bond payable to bearer, for the signature or signatures to be affixed to any new coupons or any new bond issued to accomplish such conversion or reconversion, and for the payment of expenses of registration or of change in or discharge from registration. As used in this section the term "bonds" shall include bonds, warrants, notes and other evidences of indebtedness.

CHAPTER 738

An act to amend Section 161 of the Revenue and Taxation Code, relating to legal publications.

[Approved by Governor June 4, 1963. Filed with Secretary of State June 4, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 161 of the Revenue and Taxation Code is amended to read:

161. Whenever any notice, delinquent list or other document required to be made under this code is to be published, the county shall contract directly with the newspaper in which publication is proposed to be made. Any contract so made or any moneys due thereunder shall not be assignable. The newspaper shall not pay, or contract to pay, to any person, firm or corporation, by way of commissions, any part of the moneys received from the county in payment of said publication. This section does not apply to counties having a population in excess of 5,000,000.

CHAPTER 739

An act relating to the use by the City of Santa Barbara of the proceeds of a loan authorized to be made to it for the development of a small craft harbor.

[Approved by Governor June 4, 1963. Filed with Secretary of State June 4, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Notwithstanding any provision of the Small Craft Harbors Law (Division 5.7 (commencing with Section 5801) of the Public Resources Code), the City of Santa Barbara may use all or any portion of the loan of one hundred eighty thousand dollars ($180,000) authorized to be made to it by the Small Craft Harbors Commission to reimburse itself for expenditures that have been made by it in the development of its small craft harbor subsequent to the authorization of such loan and in anticipation of the receipt thereof.

SEC. 2. The Legislature hereby finds and declares that this special act relating only to the City of Santa Barbara is necessary in view of the special facts existing only with respect to the city. A loan of seven hundred thousand dollars ($700,000) had been made to the city for the development of a small craft harbor project. Due to various factors, expenditure of additional money became necessary in order to complete the project. In November of 1962, the Small Craft Harbors Commission authorized an additional loan of one hundred eighty thousand dollars ($180,000) to the city for the completion of the project. Upon such authorization being made, the city, acting in good faith and in the belief that when the additional loan was actually made it could reimburse itself from the proceeds, went ahead with work on the project, expending its own funds. There is no authority granted by the Small Craft Harbors Law for the use of loan proceeds for such reimbursement. This act is necessary, therefore, to provide an equitable remedy for this special problem affecting the City of Santa Barbara.

CHAPTER 740

An act to amend Section 11007 of the Health and Safety Code, relating to a definition of a prescription for a narcotic.

[Approved by Governor June 4, 1963 Filed with Secretary of State June 4, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 11007 of the Health and Safety Code, is amended to read:

11007. "Prescription," as used in this division, means a prescription for a narcotic. Such a prescription is an oral order

given individually for the person for whom prescribed, directly from the prescriber to the furnisher or indirectly by means of an order written in ink or indelible pencil in the handwriting of the prescriber, signed by the prescriber, and shall contain the address of the prescriber, his federal narcotic registry number, the name and address of the patient, the name and quantity of the drug prescribed, directions for use, and shall be dated as of the date on which it is written.

CHAPTER 741

An act to amend Section 19553 of the Education Code, relating to school district public works.

[Approved by Governor June 4, 1963. Filed with Secretary of State June 4, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 19553 of the Education Code is amended to read:

19553. As used in this chapter:

(a) "Board" means the State Allocation Board, created by Section 7 of the Construction and Employment Act as amended.

(b) "Director" means the Director of Education.

(c) "Project" means the purpose or purposes for which a school district has applied for an apportionment at a given location under this chapter.

(d) "Grade level maintained by a district" means (1) the kindergarten, if any, and grades 1 to 6, or grades 1 to 8, inclusive, maintained by an elementary school district or a unified school district; or (2) grades 7 to 12, grades 9 to 12, inclusive, or grades 7 to 10, inclusive, maintained by a high school district or unified school district; and (3) grades 13 and 14 maintained by a high school district, unified school district, or junior college district, but not more than one grade level shall be claimed by any district under any one of the subdivisions of this paragraph.

(e) "Apportionment" means an apportionment made under this chapter unless the context otherwise requires. The term "apportionment" in Sections 19620, 19626, 19628, 19629, 19631, 19632, and any other section in this chapter where the context justifies, shall be deemed to include funds of a school district required by the board to be contributed toward the purposes thereof. It is hereby declared that this construction is not intended as a change in the present law but rather as a declaration of existing law.

CHAPTER 742

An act to repeal Section 19595 of the Education Code, relating to state school building aid.

[Approved by Governor June 4, 1963. Filed with Secretary of State June 4, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 19595 of the Education Code is repealed.

CHAPTER 743

An act to add Article 5 (commencing with Section 10506) to Chapter 5, Part 2, Division 2 of the Insurance Code, relating to pension, retirement and profit-sharing plans.

[Approved by Governor June 4, 1963. Filed with Secretary of State June 4, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Article 5 (commencing with Section 10506) is added to Chapter 5, Part 2, Division 2 of the Insurance Code, to read:

Article 5. Pension Funds, Separate Accounts

10506. (a) Any domestic life insurance company may, after adoption of a resolution by its board of directors, allocate to one or more separate accounts, in accordance with the terms of a written agreement which shall be filed with the Insurance Commissioner for approval, any amounts which are paid to the company in connection with a pension, retirement or profit-sharing plan, and which are to be applied in payment or in making provision for payment under the company's policies or contracts of retirement benefits, and other benefits incidental thereto, in prescribed fixed and specific dollar amounts. The income, if any, and gains or losses, realized or unrealized, on each such account shall be credited to or charged against the amount allocated to the account in accordance with the agreement, without regard to the other income, gains or losses of the company. The amounts allocated to such accounts and accumulations thereon shall be invested and reinvested as specified in the agreement, but only in such investments as are described in Article 3 (commencing with Section 1170), and Article 4 (commencing with Section 1190) of Chapter 2, Part 2, Division 1. The limitations contained in Sections 1192.4 and 1198 are not applicable to such investments.

Such investments shall not be included in determining the propriety of other investments of the company. The liability of the company with respect thereto, but only to the extent prescribed in the agreement, shall be shown on the statement of the company in the manner prescribed by the commissioner. Amounts allocated by an insurance company to separate accounts in the exercise of the power granted by this section shall be owned by the company, and the company shall not be, or hold itself out to be, a trustee in respect to such amounts.

(b) The provisions of this section shall not apply to amounts contributed by a participant who is entitled to retirement or other incidental benefits under a pension, retirement or profit-sharing plan nor to any amounts which have been applied to the purchase of retirement or other incidental benefits under the policies or contracts of the company.

CHAPTER 744

An act to amend Section 13560 of the Education Code, relating to abuse of teachers.

[Approved by Governor June 4, 1963. Filed with Secretary of State June 4, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 13560 of the Education Code is amended to read:

13560. Any parent, guardian, or other person who insults or abuses any teacher in the presence of other school personnel or pupils and at a place which is on school premises or public sidewalks, streets, or other public ways adjacent to school premises or at some other place if the teacher is required to be at such other place in connection with assigned school activities is guilty of a misdemeanor, and is punishable by a fine of not less than fifty dollars ($50) nor exceeding five hundred dollars ($500).

CHAPTER 745

An act to amend Section 355 of the Fish and Game Code, relating to migratory game birds.

[Approved by Governor June 4, 1963. Filed with Secretary of State June 4, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 355 of the Fish and Game Code is amended to read:

355. The commission may, annually, promulgate regulations pertaining to migratory birds to conform with or to further restrict the rules and regulations prescribed pursuant to the Migratory Bird Treaty Act.

Regulations adopted under this section are not subject to Sections 11422, 11422.1, and 11423 of the Government Code.

CHAPTER 746

An act to amend Sections 3035 and 7147 of the Fish and Game Code, relating to shipping tags for game and fish.

[Approved by Governor June 4, 1963. Filed with Secretary of State June 4, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 3035 of the Fish and Game Code is amended to read:

3035. The department shall provide license agents with tags, which shall be made available to hunting license holders upon request, and shall serve as shipping permits. Shipping tags shall be nontransferable, and each tag shall entitle the holder of the hunting license to ship by common carrier one legal daily possession limit of the birds or mammals specified thereon. Shipping tags shall be in such form and number as the commission may prescribe but shall be sufficient to allow each licensee during the license year to ship not less than two legal daily possession limits of doves, two legal daily possession limits of quail, and one legal daily possession limit of pheasants.

SEC. 2. Section 7147 of said code is amended to read:

7147. The department shall provide license agents with tags, which shall be made available to sport fishing license holders upon request, and shall serve as shipping permits. Shipping tags shall be nontransferable, and each tag shall entitle the holder of the sport fishing license to ship by common carrier one legal daily possession limit of the type of fish specified thereon. Shipping tags shall be in such form and number as the commission may prescribe but shall be sufficient to allow each licensee during the license year to ship not less than three legal daily possession limits of trout.

CHAPTER 747

An act to amend Section 7409 of the Financial Code, relating to savings and loan associations.

[Approved by Governor June 4, 1963. Filed with Secretary of State June 4, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 7409 of the Financial Code is amended to read:

7409. Every association issuing stock may declare dividends on stock at a rate equal to that declared and paid or credited on installment shares. The association may also set aside out of the net profits at each annual distribution, an amount not exceeding 1 percent a year of the average loans in force during such period, or a proportionate amount at each semiannual, quarterly, or other distribution, from which to declare additional dividends on its stock if at least one-tenth of the amount set aside is carried to stock surplus until such surplus amounts to and is maintained at a value of at least 25 percent of the amount set aside as a fixed and permanent capital of the association pursuant to Section 6456 of the Financial Code.

CHAPTER 748

An act to repeal Article 7.6 (commencing with Section 53850) of Chapter 4, Part 1, Division 2, Title 5 of, and to add Article 7.6 (commencing with Section 53850) to Chapter 4, Part 1, Division 2, Title 5 of, the Government Code, relating to temporary borrowing by local agencies, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 4, 1963. Filed with Secretary of State June 4, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Article 7.6 (commencing with Section 53850) of Chapter 4, Part 1, Division 2, Title 5 of the Government Code is repealed.

SEC. 2. Article 7.6 (commencing with Section 53850) is added to Chapter 4, Part 1, Division 2, Title 5 of said Code, to read:

Article 7.6. Temporary Borrowing

53850. As used in this article, "local agency" means county, city and county, city, school district of any type, junior college district, or any other municipal or public corporation or district.

53851. The powers conferred by this article are in addition to and an alternative to any power conferred by any other law for borrowing by a local agency and any amount borrowed hereunder shall not be considered in any limitation on the amount which may be borrowed by any such local agency under any other law.

53852. On or after the first day of any fiscal year a local agency may borrow money pursuant to this article, such indebtedness to be represented by a note or notes issued to the lender pursuant to this article. The money borrowed may be used and expended by the local agency for any purpose for which the local agency is authorized to expend funds, including but not limited to current expenses, capital expenditures, and the discharge of any obligation or indebtedness of the local agency.

53853. The note or notes shall be issued pursuant to a resolution authorizing the issuance thereof adopted by the legislative body of the local agency, except that the note or notes of a school or junior college district shall be issued in the name of the school or junior college district by the board of supervisors of the county, the county superintendent of which has jurisdiction over the school or junior college district, as soon as possible following receipt of a resolution of the governing board of the school or junior college district requesting the borrowing. Notes authorized to be issued may be issued from time to time as provided in said resolution. Said resolution shall set forth the form and the manner of execution of the note or notes.

53854. Any note issued under this article may be negotiable, may be payable to order or to bearer, may be in any denomination, shall be payable not later than the last day of the fiscal year in which it is issued, and may bear interest not to exceed 6 percent per annum, payable as provided therein. Such interest may be represented by coupons attached to said note.

53855. The resolution authorizing the issuance of any note may provide that such note shall be subject to call and redemption prior to maturity, at the option of the local agency, at such price or prices as may be fixed in the resolution, not exceeding a premium of 3 percent of the par value of the note so subject to redemption. The resolution shall fix the method of giving notice of redemption to the holder of the note to be redeemed and the price or prices at which the note shall be subject to redemption. A note so subject to call and redemption prior to maturity shall contain a recital to that effect on its face, and no note shall be subject to call or redemption prior to its fixed maturity date unless it contains such recital.

53856. Any taxes, income, revenue, cash receipts or other funds of the local agency, including funds deposited in inactive or term deposits, may be pledged to the payment of the

note or notes and the interest thereon, except, however, that no funds which, when received by the local agency, will be encumbered for a special purpose may be pledged for the payment of the note or notes or the interest thereon unless an equivalent amount of the proceeds from said note or notes is set aside for and used for said special purpose. The note or notes and the interest thereon are a first lien upon and charge against the taxes, income, revenue, cash receipts or other funds pledged for the payment thereof.

53857. Notwithstanding the provisions in Section 53856, any note issued pursuant to this article shall be a general obligation of the local agency and, to the extent not paid from the taxes, income, revenue, cash receipts or other funds of the local agency pledged for the payment thereof, shall be paid with the interest thereon from any other funds of the local agency lawfully available therefor.

53858. Notes shall not be issued pursuant to this article in any fiscal year in an amount which, when added to the interest payable thereon, shall exceed 85 percent of the estimated amount of the then uncollected taxes, income, revenue, cash receipts and other funds of the local agency which will be available in said fiscal year for the payment of said notes and the interest thereon; provided, however, that to the extent that any principal of or interest on such notes is secured by a pledge of the amount in any inactive or term deposit of the local agency, the term of which will terminate during said fiscal year, such principal and interest may be disregarded in computing said limit.

SEC. 3. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The peace, health and safety of the citizens of the State require the orderly and unhampered functioning of municipal and public corporations and such functioning depends upon the power of such municipal and public corporations to borrow money in any fiscal year before the receipt of taxes, income, revenue, cash receipts or other funds, and it is therefore imperative and essential that such power be granted so that during the period before this act would otherwise become effective municipal and public corporations can borrow funds to be used to pay current expenses, capital expenditures, and the discharge of any obligation or indebtedness of such corporations, including but not limited to, the expenditure of funds to provide police and fire protection, safety, sanitary facilities, waterworks, schools and other facilities and works immediately needed for the public peace, health and safety.

CHAPTER 749

An act to add Section 6368.5 to the Revenue and Taxation Code, relating to sales and use tax exemptions.

[Approved by Governor June 4, 1963. Filed with Secretary of State June 4, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 6368.5 is added to the Revenue and Taxation Code, to read:

6368.5. There are exempted from the taxes imposed by this part the gross receipts from the sale of and the storage, use, or other consumption in this State of rail freight cars for use in interstate or foreign commerce.

CHAPTER 750

An act to amend Sections 932, 1555 and 1907 of the Probate Code, relating to the rendering of accounts.

[Approved by Governor June 4, 1963. Filed with Secretary of State June 4, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 932 of the Probate Code is amended to read:

932. If the executor or administrator dies or becomes incompetent, his accounts may be presented by his personal representative or guardian to, and settled by, the court in which the estate of which he was executor or administrator is being administered, and, upon petition of the successor of such deceased or incompetent executor or administrator, such court shall compel the personal representative or guardian of the deceased or incompetent executor or administrator to render an account of the administration of his testator or intestate, and must settle such account as in other cases. In the event the executor or administrator dies or becomes incompetent and there is no executor, administrator or personal representative appointed for his estate, or he absconds, then the court may compel the attorney for such absconding, deceased or incompetent executor or administrator or attorney of record in the estate proceeding to render an account of the administration of said absconding, deceased or incompetent executor or administrator to the extent that the attorney has information or records available to him for the purpose. The account of the attorney need not be verified. A fee shall be allowed to the attorney by the court for this extraordinary service. For the

purposes of this section, "personal representative" shall include a guardian and conservator.

SEC. 2. Section 1555 of said code is amended to read:

1555. The termination of the relation of guardian and ward by the death of either guardian or ward or by the ward attaining his majority or being restored to capacity shall not cause the court to lose jurisdiction of the proceeding for the purpose of settling the accounts of the guardian. If the guardian dies or becomes incompetent, his account may be presented by his personal representative and upon petition of the successor of such deceased or incompetent guardian, the court shall compel the personal representative of the deceased or incompetent guardian to render such account and must settle such account as in other cases.

In the event the guardian dies or becomes incompetent and there is no executor, administrator, or personal representative appointed for his estate, or he absconds, then the court may compel the attorney for such absconding, deceased, or incompetent guardian or attorney of record in the guardianship proceeding, to render an account of the guardianship to the extent that the attorney has information or records available to him for the purpose. The account of the attorney need not be verified. A fee shall be allowed to the attorney by the court for this extraordinary service. For the purposes of this section, "personal representative" shall include a guardian and conservator.

SEC. 3. Section 1907 of said code is amended to read:

1907. The termination of the relationship of conservator and conservatee by the death of either or by the determination of the court that the conservatorship is no longer necessary shall not cause the court to lose jurisdiction of the proceeding for the purpose of settling the accounts of the conservator and for any other purpose incident to the enforcement of the judgments and orders of the court upon such accounts or upon the termination of the conservatorship. If the conservator dies or becomes incompetent, his account may be presented by his personal representative and upon petition of the successor of such deceased or incompetent conservator, the court shall compel the personal representative of the deceased or incompetent conservator to render such account and must settle such account as in other cases. In the event the conservator dies or becomes incompetent and there is no executor, administrator, or representative appointed for his estate, or he absconds, then the court may compel the attorney for such absconding, deceased, or incompetent conservator or attorney of record in the conservatorship proceeding, to render an account of the conservatorship to the extent that the attorney has information or records available to him for the purpose. The account of the attorney need not be verified. A fee shall be allowed to the attorney by the court for this extraordinary service. For the purposes of this section, "personal representative" shall include a guardian and conservator.

CHAPTER 751

An act to amend Section 23801 of the Education Code, relating to state college student body organizations.

[Approved by Governor June 4, 1963. Filed with Secretary of State June 4, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 23801 of the Education Code is amended to read:

23801. A student body organization may be established at any state college under the supervision of the college officials for the purpose of providing essential activities closely related to, but not normally included as a part of, the regular instructional program of the college. Such an organization may also operate a campus store, a cafeteria, and other projects not inconsistent with the purposes of the college, and property of the college may be leased to such an organization for such purposes.

The trustees may fix fees for voluntary membership in such organization established at a state college.

Notwithstanding any provisions of law to the contrary, if a student body organization is established at any state college, upon the favorable vote of two-thirds of the students voting in an election held for this purpose, in such manner as the trustees shall prescribe, and open to all regular students enrolled in such college, the trustees shall fix a membership fee which shall be required of all regular, limited and summer session students attending such college. No fees shall be charged to students registering solely in extension classes.

Such required fee shall be subject to referendum at any time upon the presentation of a petition to the president of the college containing the signatures of 20 percent of the regularly enrolled students at such college. A successful referendum shall take effect with the beginning of the academic year following that in which the election was held.

Payment of membership fees pursuant to this section shall be a prerequisite to enrollment in the college, except that if sufficient funds are available any state college student may at his option and subject to the regulations of the trustees establishing standards in that regard, agree to work off the amount of the fee at the prevailing rate of the college for student assistants. The trustees may adopt regulations setting standards for determining which students shall be eligible to work off the amount of the fee. No student shall be required to pay student body membership fees in an aggregate amount exceeding twenty dollars ($20) annually.

CHAPTER 752

An act to amend Section 1373 of the Code of Civil Procedure, relating to escheated property.

[Approved by Governor June 4, 1963. Filed with Secretary of State June 4, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 1373 of the Code of Civil Procedure is amended to read:

1373. The Controller may lease or sell any real property for cash at public auction to the highest bidder.

Before such sale or lease, notice thereof shall be published pursuant to Government Code Section 6063 in a newspaper published in the county in which the real property is situated, or in an adjoining county, if there is no newspaper published in such county. The notice is sufficient for all the purposes of such lease or sale if the real property is described sufficiently to identify it. The cost of publication shall be a charge against the proceeds of the lease or sale, or, if the lease or sale is not consummated, such cost shall be a legal charge against the appropriation for official advertising.

If the value of the property to be sold does not appear to exceed one thousand dollars ($1,000) in the determination of the Controller, notice of sale thereof may be published pursuant to Government Code Section 6061.

CHAPTER 753

An act to amend Section 17601 of the Elections Code, relating to counting of ballots.

[Approved by Governor June 4, 1963. Filed with Secretary of State June 4, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 17601 of the Elections Code is amended to read:

17601. The election board of any city or county may by a resolution provide that all ballots or all ballots in certain precincts as designated by the board shall be counted at a central place and not at the precincts. This resolution shall be:

(a) Adopted not less than 25 days before the election.

(b) Adopted by a majority vote of the board.

(c) Entered in its minutes.

When the ballots cast at any election are to be counted under the provisions of this chapter, the ballots cast at any precinct shall not be counted at the polling place.

CHAPTER 754

An act to amend Sections 29, 30, 84 and 200 of the Solvang Municipal Improvement District Act (Chapter 1635 of the Statutes of 1951), relating to the Solvang Municipal Improvement District.

[Approved by Governor June 4, 1963. Filed with Secretary of State June 4, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 29 of the Solvang Municipal Improvement District Act (Chapter 1635, Statutes of 1951) is amended to read:

Sec. 29. Each board member, except the president, shall receive thirty dollars ($30) for each day of his actual attendance of the meetings of the board. The president of the board shall receive compensation to be fixed by the board of directors, which compensation shall be in lieu of any other compensation to which he may be entitled by reason of attendance at the meeting or meetings of the board. No member shall, however, receive more than one hundred twenty dollars ($120) in any calendar month, provided that the compensation to be fixed for the president of the board shall not exceed one hundred fifty dollars ($150) in any calendar month.

SEC. 2. Section 30 of said act is amended to read:

Sec. 30. Each board member shall be reimbursed for actual expenses incurred on behalf of the district, including eleven cents ($0.11) per mile of actual travel with his automobile.

SEC. 3. Section 84 of said act is amended to read:

Sec. 84. The notice shall contain:

(a) Time and place of holding the election.

(b) The names of the officers of election appointed to conduct it.

(c) The hours during the day in which the polls will be open.

(d) A statement of the purpose for which the election is held.

(e) The amount of debt to be incurred, the maximum term the bonds to be issued shall run before maturity, which term shall not exceed 40 years, and the maximum annual rate of interest to be paid, which rate shall not exceed six percent (6%).

SEC. 4. Section 200 of said act is amended to read:

Sec. 200. Any contiguous territory which is in the same county as the district may be annexed to the district in the manner provided in Articles 2, 3 and 4 of Chapter 9 of Part 1 of Division 6 of the Health and Safety Code as now or hereafter amended.

CHAPTER 755

An act to amend Section 25351.3 of the Government Code, relating to powers and duties of boards of supervisors.

[Approved by Governor June 4, 1963. Filed with Secretary of State June 4, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 25351.3 of the Government Code is amended to read:

25351.3. In addition to its other powers and duties the board may:

(a) Acquire land for and construct, lease, sublease, build, furnish, refurnish or repair buildings for justice, municipal, or superior courts and for convention and exhibition halls, trade and industrial centers, auditoriums, opera houses, music halls and centers, motion picture and television museums, and related facilities as places of public assembly for the use, benefit and enjoyment of the public, including offstreet parking places for motor vehicles, ways of ingress and egress and such other facilities and improvements as are necessary or convenient for their use.

(b) Acquire land and construct such buildings, structures and facilities thereon in whole or in part, with county funds or it may, by contract or lease with any nonprofit association or corporation, provide for the acquisition of land or the construction of such buildings, structures and facilities, or all or any part thereof, for such public purposes, upon such terms as the board may determine.

(c) Lease, pursuant to Section 25371 of this code, any real property owned by the county and available for such public purposes to any person, firm, corporation or nonprofit association or corporation for such purposes, or any thereof, such person, firm, corporation or nonprofit association or corporation to lease the real property as improved back to the county for use for the purposes stated in the lease. Any lease authorized by the board under this subdivision (c) shall be awarded to the lowest responsible bidder after public competitive bidding conducted in the manner determined by the board. Notice inviting bids shall be published pursuant to Section 6066 of this code in such newspaper as the board may direct.

(d) Enter into a lease or sublease, without advertising for bids therefore, of such buildings, structures and facilities or any thereof with any nonprofit association or corporation which agrees to use the buildings, structures and facilities so leased to it for the public purposes for which the same were or are to be built; or contract, without advertising for bids

therefor, with any nonprofit association or corporation for the maintenance, operation and management, or any thereof, of such buildings, structures and facilities or any part thereof, including the scheduling and promotion of events therein, for a specified term, not to exceed forty (40) years, upon such terms and conditions as may be agreed upon. Such leases, subleases or contracts shall provide that at least annually there shall be paid to the county the net revenue, if any, from the operation and use of the facilities, remaining after the payment of expenses and costs, if any, for maintenance, operation or management, interest and principal payments upon loans to the nonprofit corporation or association for purposes of maintenance, operation or management, and any other expenses, and after providing maintenance and operation reserves. Such lease, sublease, or contract shall also provide that upon its expiration, all of the assets of the nonprofit association or corporation after payment or discharge of its indebtedness and liabilities shall be transferred to the county.

(e) If the county has a population in excess of 4,000,000, without advertising for bids therefor, grant any real property owned by the county, or lease, for a term not to exceed ninety-nine (99) years, any real property owned by the county, to any city, district or other public corporation for any of the above public uses, without consideration except the agreement of grantee or lessee to use said real property for the public uses specified, and upon such terms and conditions as may be agreed upon by the board and the grantee or lessee.

The amendment to this section enacted by the Legislature at its 1963 Regular Session shall not be construed to affect or modify the duty of any county or board of supervisors to provide adequate quarters for courts but is intended to provide an alternative method of financing the acquisition of property and buildings for use for courthouse purposes.

CHAPTER 756

An act to amend and renumber Sections 4600, 4601, and 4602 of; to amend Sections 4605, 4606, 4607, 4609, 4610, 4611, 4612, 4614.1, 4614.2, 4614.3, 4614.4, 4614.5, 4614.11, 4614.13, 4614.14, 4614.15, 4615, 4616, 4617, 4618, 4619, 4620, 4621, 4622, 4623, 4624, 4625, 4627, 4634, 4636, 4636.8, 4638, 4639, 4641, 4642, 4643, 4644, 4645, 4646, 4647, 4648, and the heading of Chapter 1 (commencing with Section 4600), Part 3, Division 5 of; to repeal Sections 4608, 4614.6, 4614.7, 4614.8, 4614.9, 4614.10, 4614.12, 4628, 4629, 4630, 4631, 4632, 4633, 4635 and 4636.7 of; and to add Sections 4600, 4601, 4602,

4602.2, 4602.3, 4610.5, 4611.5, 4613, 4623.5, 4639.5, 4640, and 4641.5 to; the Health and Safety Code; and to repeal the Municipal Sewer District Act of 1939 (Ch. 24, Stats. 1939), relating to municipal sewer districts.

[Approved by Governor June 5, 1963. Filed with Secretary of State June 5, 1963.]

The people of the State of California do enact as follows:

SECTION 1. The heading of Chapter 1 (commencing with Section 4600), Part 3, Division 5 of the Health and Safety Code is amended to read:

CHAPTER 1. MUNICIPAL SEWER DISTRICT LAW OF 1911

SEC. 2. Section 4600 of said code is amended and renumbered to read:

4602.1. "District" means any district which is formed pursuant to this chapter or pursuant to any law which it supersedes.

SEC. 3. Section 4600 is added to said code, to read:

4600. This chapter shall be known as the Municipal Sewer District Law of 1911.

SEC. 4. Section 4601 of said code is amended and renumbered to read:

4602.4. "Sewer work or improvement" means any or all of the following:

(a) The acquisition or construction of sanitary sewers of all types, including, but not limited to, outfall, trunk, intercepting, connecting, lateral, and house connection sewers.

(b) The acquisition or construction of sewage treatment plants, works, or system.

(c) The acquisition or construction of other improvements, works, or system for the collection, transmission, treatment, or disposal of sewage or industrial waste

(d) The acquisition or construction of sewers, drains, pipelines, conduits, culverts, or ditches for the collection, transmission, or disposal of surface or storm water.

(e) The acquisition or construction of other improvements, works, or system for the purpose of surface or storm water drainage or for the purpose of flood control

(f) The acquisition or construction of works or improvements appurtenant or related to any of the works, improvements, or systems described in subdivisions (a) to (e), inclusive, of this section.

(g) Additions to, or the reconstruction or improvement of, any of the works, improvements, or systems described in subdivisions (a) to (f), inclusive, of this section.

(h) The acquisition of any land, rights-of-way, capacity rights, rights of use, or other property needed for any of the works, improvements, or systems described in subdivisions (a) to (g), inclusive, of this section.

SEC. 5. Section 4602 of said code is amended and renumbered to read:

4603. This chapter does not affect any other law under which sewer work or improvement may be done within or by any city but it provides an alternate system of proceedings for sewer work or improvement. Sewer work or improvement may be done either pursuant to this chapter, or pursuant to any other law. If, however, any proceedings are commenced pursuant to this chapter, its provisions apply to all sewer work or improvement which is done under those proceedings until such sewer work or improvement is completed.

If, after sewer work or improvement has been done pursuant to this chapter, the governing body of any city determines that it is necessary or convenient to do any additional sewer work or improvement, the governing body may proceed to do so either pursuant to this chapter or under any other appropriate law. If the additional sewer work or improvement is done pursuant to this chapter for the same district, the procedure shall be the same as that which is provided under this chapter for the doing of the initial sewer work or improvement. It is not necessary to reform the district if the governing body finds, following the hearing which is provided for by Section 4611 that the additional sewer work or improvement is of benefit to the entire district which was previously formed under this chapter as such district is then constituted. As an alternative method, the governing body may do such additional sewer work or improvement by forming a new district pursuant to this chapter which may include, in whole or in part, territory which is included in any district previously formed pursuant to this chapter.

SEC. 6. Section 4601 is added to said code, to read:

4601. Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.

SEC. 7. Section 4602 is added to said code, to read:

4602. "City" means the city in which the district is located. If a district is not entirely within the boundaries of a single city, "city" means the initiating city.

SEC. 8. Section 4602.2 is added to said code, to read:

4602.2. "Governing body" means the city council or other legislative body of the city.

SEC. 9. Section 4602.3 is added to said code, to read:

4602.3. "Initiating city" means the city whose governing body initiated the proceeding for the formation of a district which is not entirely within the boundaries of a single city.

SEC. 10. Section 4605 of said code is amended to read:

4605. The governing body of any city may create a sewer district within the city pursuant to this chapter whenever in its judgment the district is necessary or convenient for proper sanitation, drainage, or flood control.

SEC. 11. Section 4606 of said code is amended to read:

4606. A district may be formed to do any sewer work or improvement and to provide for the incurring of indebtedness

to pay for the costs and expenses of such work or improvement.

SEC. 12. Section 4607 of said code is amended to read:

4607. Whenever the governing body of a city determines that the public interest or convenience requires the doing of any sewer work or improvement in any part of the territory of the city, it may pass a resolution to that effect. The resolution shall be passed by a vote of at least two-thirds of the members of the governing body. It shall describe the sewer work or improvement in general terms. For the purpose of such description, reference may be made to maps, plats, plans, or other documents on file in the office of the clerk of the city. Any sewer work or improvement may be combined into a single project, the indebtedness for which is to be submitted to the electors as a single proposition.

The resolution shall also contain the total dollar amount of a general estimate of the costs and expenses of the proposed sewer work or improvement. In arriving at such estimate, the governing body may include the estimated amounts of any or all of the items which are set forth in Section 4625. The resolution need not, however, itemize or separately state any of the items included in the costs and expenses.

SEC. 13. Section 4608 of said code is repealed.

SEC. 14. Section 4609 of said code is amended to read:

4609. The resolution shall do all of the following:

(a) Describe the boundaries of the proposed district. The district may consist of two or more noncontiguous parcels.

(b) Designate the district by a distinctive name and number.

(c) Declare the district to be the district benefited by the proposed sewer work or improvement.

(d) Name a time and place for the hearing of objections by any person interested in the formation of the district, in the inclusion within the district of any land within the boundaries described in the resolution or in the doing of the proposed sewer work or improvement.

SEC. 15. Section 4610 of said code is amended to read:

4610. The resolution, together with the names of the members of the governing body voting for and against it shall be published once a week for at least two successive weeks in a newspaper of general circulation printed and published in the city. The first publication shall not be more than 60 nor less than 30 days prior to the date fixed for the hearing. If there is no newspaper of general circulation printed and published in the city, the resolution shall be so published in a newspaper of general circulation printed and published in the county in which the city is located.

SEC. 16. Section 4610.5 is added to said code, to read:

4610.5. Copies of the resolution shall also be posted in three public places within the proposed district not earlier than the 60th day or later than the 30th day prior to the hearing. Not earlier than 60 nor later than 30 days prior to the hearing, a copy of the resolution shall also be mailed,

postage prepaid, to each person to whom land in the proposed district is assessed as such owner is shown on the last equalized county assessment roll, at his address as shown upon the roll, and to each person who has any interest in any land within the proposed district whose name and address and a designation of the land in which he is interested is on file in the office of the city clerk. Any error, omission, or mistake in such mailing, or any failure of any person to receive such copy shall not invalidate the proceedings pursuant to this chapter.

SEC. 17. Section 4611 of said code is amended to read:

4611. On the day fixed for the hearing, or any day to which the hearing is continued, the governing body shall hear and consider all written and oral objections presented to the formation of the district, the inclusion of any lands in the district, or the doing of the sewer work or improvement which is proposed.

At the hearing, the governing body may make changes in the sewer work or improvement but the estimated costs and expenses of the sewer work or improvement as changed, as determined by the governing body at the time of the change, shall not exceed by more than 10 percent the amount determined under Section 4607.

At the hearing, the governing body may exclude from the district any territory that in its opinion would not be benefited by the sewer work or improvement as finally determined. The governing body shall not, however, modify the boundaries of the proposed district so as to exclude from it any land which would in the judgment of the governing body be benefited by the sewer work or improvement as finally determined nor shall the governing body include in the proposed district any lands which will not in its judgment be so benefited.

SEC. 18. Section 4611.5 is added to said code, to read:

4611.5. At the hearing, the governing body may add territory to the district if the owners of all of the land in the territory which is proposed to be added to the district have requested such addition in writing, or the governing body has first adopted a resolution of intention to do so. The resolution shall describe the boundaries of the territory which is proposed to be added to the district and shall state the time and place to which the hearing will be continued for the purpose of hearing objections to the proposed addition. Not later than 20 days before the time of such continued hearing, a copy of such resolution shall be mailed, postage prepaid, to each person to whom land in the territory which is proposed to be added to the district is assessed, as such owner is shown on the last equalized county assessment roll, at his address as shown upon the roll. A copy of such resolution shall also be mailed to each person who has any interest in any land within such territory whose name and address and a designation of the land in which he is interested is on file in the office of the city clerk. Any error, omission, or mistake in such mailing, or any

failure of any person to receive such copy shall not invalidate the proceedings pursuant to this chapter.

At the continued hearing, the governing body shall hear all objections to the proposed addition and may then take action adding to the district all or part of the territory which is described in the resolution of intention.

SEC. 19. Section 4612 of said code is amended to read:

4612. After making all necessary and proper changes in the boundaries, or in the sewer work or improvement, the governing body may, by a resolution which is passed by a vote of two-thirds of all of its members, establish the district, fix and determine its boundaries, and generally describe the sewer work or improvement as finally determined. This resolution, together with the names of the members of the governing body voting for and against it shall be spread upon the minutes of the governing body.

SEC. 20. Section 4613 is added to said code, to read:

4613. A certified copy of the resolution which establishes the district shall be recorded in the office of the county recorder. Certified copies of such resolution, together with a map or plat which shows such boundaries, shall also be filed with the county assessor, the county clerk, and the State Board of Equalization. Upon such recordation in the office of the county recorder, the district is organized. No action or proceeding which contests the validity of the district or its organization shall be had or taken in any court, state or federal, unless it is commenced within 60 days from the date of the recordation of the resolution establishing the district in the office of the county recorder.

SEC. 21. Section 4614 1 of said code is amended to read:

4614.1. Districts may be formed pursuant to this article for the purpose of doing any sewer work or improvement which will be of benefit to territory partially within the initiating city and partially within any other city or within unincorporated area of the same county, or both.

SEC. 22. Section 4614 2 of said code is amended to read:

4614.2. Any city may initiate proceedings for the formation of a district and the doing of sewer work or improvement pursuant to this article whenever the governing body of such city determines that it is desirable that a district be organized pursuant to this article. Except as otherwise provided in this article, the procedure for the formation of a district pursuant to this article shall be the same as the procedure which is provided in this chapter where the district is within a single city.

SEC. 23. Section 4614 3 of said code is amended to read:

4614.3. If the proposed district includes any part of any other incorporated city, the governing body of the initiating city shall file with the governing body of each such other city a certified copy of its resolution adopted pursuant to Section 4607, which resolution shall contain a request that the governing body of each such other city consent to the formation of such district. The governing body of the initiating city shall

not form the district unless prior to the conclusion of the hearing which is provided for by Section 4611 the governing body of each city, any part of which is proposed to be included in the district, by resolution, consents to the formation of the district.

SEC. 24. Section 4614.4 of said code is amended to read:

4614.4. If any part of the district includes any unincorporated territory of the county, the governing body of the initiating city shall file with the board of supervisors of the county in which such unincorporated territory is situated a certified copy of its resolution adopted pursuant to Section 4607, which resolution shall contain a request that the board of supervisors consent to the formation of such district. The governing body of the initiating city shall not form the district unless prior to the conclusion of the hearing which is provided for by Section 4611 the board of supervisors of the county in which such unincorporated territory is located, by resolution, consents to the formation of the district which will include such unincorporated territory within its boundaries.

SEC. 25. Section 4614.5 of said code is amended to read:

4614.5. Whenever the governing body of each city which is included in whole or in part within the district which is to be organized, and the board of supervisors if the district includes any unincorporated territory, has consented to the formation of the district by filing a resolution of concurrence with the governing body of the initiating city, the governing body of the initiating city has full jurisdiction to proceed with the formation of the proposed district. Upon the filing with the governing body of the initiating city of all necessary concurring resolutions of the governing body of any city or of the board of supervisors of the county, as the case may be, the governing body of the initiating city has the sole and exclusive jurisdiction to proceed with the formation of the district, to conduct all hearings on the formation of the district, to make all necessary changes in the boundaries of the proposed district or the sewer work or improvement, to conduct all proceedings on the formation of the district and to take any other action permitted by this chapter with like force and effect as though such district were wholly within the boundaries of the initiating city. The governing body of the initiating city shall not, however, add to the district at the hearing which is provided for by Section 4611 any territory within another city or within unincorporated territory unless it first obtains a consent to such addition which is expressed by a resolution adopted by the governing body of such other city or by the board of supervisors, as the case may be.

SEC. 26. Section 4614.6 of said code is repealed.

SEC. 27. Section 4614.7 of said code is repealed.

SEC. 28. Section 4614.8 of said code is repealed.

SEC. 29. Section 4614.9 of said code is repealed.

SEC. 30. Section 4614.10 of said code is repealed.

SEC. 31. Section 4614.11 of said code is amended to read:

4614.11. Upon the formation of any district pursuant to this article, the district shall be governed by and under the jurisdiction of the governing body of the initiating city. The governing body of the initiating city may conduct all of the affairs of the district, call and hold bond elections in the district, construct all sewer work or improvements in the district, cause taxes to be levied and collected upon all taxable property in the district, and pass such necessary legislation as may be required for proper sanitation, sewage, and flood control purposes, with the same force and effect as though all of the area in the district were included within the boundaries of the initiating city.

SEC. 32. Section 4614.12 of said code is repealed.

SEC. 33. Section 4614.13 of said code is amended to read:

4614.13. If bonds are authorized and are issued or are expected to be issued on behalf of any district which is organized pursuant to this article, the governing body of the initiating city shall, on or before the 15th day of July of each year, certify to the board of supervisors of the county in which the district is located, the amount to be raised for the payment of the principal of and interest on the bonds in accordance with Section 4638 and, if applicable, Section 4639.5. The county auditor shall determine the rate of taxation which shall be clearly sufficient to raise such amount. The county auditor shall compute and enter in a separate column in the county assessment roll the respective sums to be paid as the district tax on the taxable property in the district. The board of supervisors of the county in which the district is located shall, at the time of fixing the general county tax levy and in the manner which is provided for such tax levy, levy and collect each year upon all of the taxable property in the district a tax in accordance with Section 4638 and, if applicable, Section 4639.5. The taxes so levied shall be in addition to all other taxes levied for county or city purposes and in addition to taxes levied pursuant to Section 4614.14 and shall be collected at the same time and in the same manner as county taxes are collected. When such taxes are collected they shall be paid to the county treasurer who shall forthwith remit them to the city treasurer of the initiating city. The taxes are a lien on all taxable property in the district and shall be of the same force and effect as the lien for county taxes. Their collection shall be enforced by the same means as provided for the enforcement of the lien of county taxes. The city treasurer of the initiating city shall hold such taxes in trust, separate and apart from all other city funds and use and apply them solely to the payment of bond principal and interest.

SEC. 34. Section 4614.14 of said code is amended to read:

4614.14. In the case of a district formed pursuant to this article, the governing body of the initiating city may cause to be levied and collected an annual tax on the taxable property in the district for the purposes and subject to the limita-

tions which are stated in Section 4640. The governing body of the initiating city, if it desires to levy such tax, shall, on or before July 15th of each year, certify to the board of supervisors of the county in which the district is located the amount of money to be raised by such tax. The board of supervisors shall levy and collect taxes upon the taxable property in the district sufficient to raise the amount which is so certified. The county auditor shall compute the rate of taxation, not to exceed the rate stated in Section 4640, required to raise such sum. Such annual tax shall be in addition to all other taxes which are levied for county or city purposes and in addition to the taxes which are levied pursuant to Section 4614.13. It shall be levied and collected in the same manner as district bond principal and interest taxes are levied and collected. When such tax is collected it shall be paid by the county treasurer to the city treasurer of the initiating city and shall be used and applied solely to the purposes which are permitted by Section 4640.

SEC. 35. Section 4614.15 of said code is amended to read:

4614.15. This chapter does not prevent two or more cities or the board of supervisors of any county from entering into co-operation agreements for the joint acquisition, construction, or use of joint sanitary sewage facilities, flood control works, and storm water drainage systems.

SEC. 36. Section 4615 of said code is amended to read:

4615. At any meeting after the passage and recording of the resolution establishing the district, the governing body may, by a resolution passed by a vote of two-thirds of all its members, call an election to be held in the district for the purpose of voting on the question of incurring indebtedness for the purpose of doing the sewer work or improvement as finally determined.

SEC. 37. Section 4616 of said code is amended to read:

4616. The resolution calling the special election shall do all of the following:

(a) Describe the boundaries of the district as finally determined and refer to the district by its name and number.

(b) Describe in general terms the sewer work or improvement as finally determined and state the dollar amount of the estimated cost and expenses of the proposed sewer work or improvement, which amount shall not exceed by more than 10 percent the amount determined under Section 4607.

(c) State the amount of the principal of the indebtedness to be incurred for the purpose of paying the costs and expenses, which amount shall not exceed the estimate under subdivision (b) of this section.

(d) State the rate of interest or a maximum rate of interest to be paid on the indebtedness, which rate shall not be more than the rate specified in this chapter.

(e) Fix the date on which the special election shall be held.

(f) Determine the manner of holding the election, and the manner of voting for or against the incurring of the indebtedness.

SEC. 38. Section 4617 of said code is amended to read:

4617. In all particulars not recited in this chapter or in the resolution, the election shall be held as is provided by law for holding general elections in the city. At the election, the measure of incurring indebtedness for the purposes set forth in the resolution shall be submitted to the voters of the district.

SEC. 39. Section 4618 of said code is amended to read:

4618. The maximum rate of interest to be paid on the bonded indebtedness shall be six percent per annum, and shall, be payable semiannually. The first interest payable on the bonds or any series of the bonds may, however, be for any period not exceeding one year, as determined by the governing body.

SEC. 40. Section 4619 of said code is amended to read:

4619. The resolution calling the election shall be published once a week for two successive weeks prior to the date set for the election in a newspaper of general circulation, which is printed and published in the city. The first publication shall be not less than 30 days prior to the date of the election.

In any city where no newspaper is printed and published, the resolution shall be posted in three public places in the district not later than 30 days prior to the date set for the election. No other notice of the election need be given.

SEC. 41. Section 4620 of said code is amended to read:

4620. If two-thirds of the votes cast upon the measure are in favor of the issuance of the bonds, the bonds may be issued and the indebtedness incurred.

If less than two-thirds of the votes cast are in favor of the issuance of the bonds, the governing body of the city shall not within six months after the election pass any resolution which calls another election for incurring any indebtedness for sewer work or improvement within that district or in any district which has within its boundaries any of the territory of that district.

SEC. 42. Section 4621 of said code is amended to read:

4621. All bonds issued under this chapter shall be issued in the name of the city in which the district has been formed, or in the name of the initiating city, as the case may be, shall be in such form as the governing body may determine, and shall be payable at the time and in the manner determined by the governing body, at a place within the United States, to be fixed by the governing body and designated in the bonds. The maturity date of a bond need not be an anniversary of its date. The governing body may divide the principal amount of any issue of bonds into two or more series and fix different dates for the bonds of each series. The bonds of one series may be made payable at different times from those of any other series. The final maturity date of any issue of bonds, or of any series,

shall not exceed 40 years from the date of such bonds, or the date of such series of the bonds. Bonds issued pursuant to this chapter shall not constitute indebtedness within the meaning of Section 29909 or Section 43605 of the Government Code.

The governing body may provide for the call and redemption of any bond prior to maturity at such time or times and at such price or prices and upon such other terms as it may specify, but no bond shall be subject to call or redemption prior to maturity unless a statement to that effect is printed on the bond.

SEC. 43. Section 4622 of said code is amended to read:

4622. The bonds shall be issued in any denominations which the governing body may determine.

The bonds shall be signed by the mayor, or by such other officer of the city as shall be designated for that purpose by the governing body by resolution, and shall also be signed by the city treasurer and countersigned by the city clerk or a deputy clerk.

The coupons of the bonds shall be numbered consecutively and signed by the treasurer.

All signatures and countersignatures on the bonds and coupons, except that of the clerk or his deputy, may be printed, lithographed, or engraved.

If any officer whose signature or countersignature appears on the bonds or coupons ceases to be an officer before the delivery of the bonds to the purchaser, his signature or countersignature is as valid and sufficient for all purposes, as if he had remained in office.

SEC. 44. Section 4623 of said code is amended to read:

4623. The governing body may issue and sell the bonds at not less than their par value. The proceeds of the sale shall be placed in the city treasury to the credit of the proper sewer district fund and shall be applied exclusively to the purposes and objects specified in the resolution calling the election.

SEC. 45. Section 4623.5 is added to said code, to read:

4623.5. Before selling the bonds, or any part of the bonds, the governing body shall give notice inviting sealed bids in such manner and for such time as the governing body may prescribe. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder. If no bids are received, or if the governing body determines that the bids received are not satisfactory as to price or responsibility of the bidders, the governing body may reject all bids received, if any, and either readvertise or sell the bonds at private sale.

SEC. 46. Section 4624 of said code is amended to read:

4624. An action to determine the validity of bonds issued pursuant to this chapter may be brought pursuant to Chapter 9 (commencing with Section 860), Title 10, Part 2 of the Code of Civil Procedure.

SEC. 47. Section 4625 of said code is amended to read:

4625. In determining the amount of bonds to be issued, the legislative body may include all of the following:

(a) All costs and expenses and estimated costs and expenses incidental to or connected with the acquisition, construction, improving, or financing of the sewer work or improvement.

(b) All engineering, inspection, legal, and fiscal agent's fees, expenses in connection with the formation of the district, costs of the bond election and of the issuance of the bonds, bond reserve funds and working capital, and bond interest estimated to accrue during the construction period and for a period of not to exceed 12 months after completion of construction.

SEC. 48. Section 4627 of said code is amended to read:

4627. Any contract for the construction of any of the sewer work or improvement may be let and entered into as other contracts for similar work are let and entered into by the city. If the sewer work or improvement includes the acquisition of any property, the city may acquire such property by purchase, gift, eminent domain, or otherwise.

SEC. 49. Section 4628 of said code is repealed.

SEC. 50. Section 4629 of said code is repealed.

SEC. 51. Section 4630 of said code is repealed.

SEC. 52. Section 4631 of said code is repealed.

SEC. 53. Section 4632 of said code is repealed.

SEC. 54. Section 4633 of said code is repealed.

SEC. 55. Section 4634 of said code is amended to read:

4634. Instead of letting contracts for the sewer work or improvement, the city may itself construct or complete the sewer work or improvement, and buy the necessary materials, and employ the necessary labor.

SEC. 56. Section 4635 of said code is repealed.

SEC. 57. Section 4636 of said code is amended to read:

4636. The governing body of each city in which sewer work or improvement is being made or acquired pursuant to this chapter may make all needful rules and regulations for carrying out and maintaining the sewer work or improvement, and may appoint all agents, superintendents, and engineers necessary properly to look after the construction and operation of the sewers. However, in any city operating under a charter framed pursuant to Section 8 of Article XI of the Constitution of the State which has a board or department of public works, the powers and duties of the governing body which are stated in this section may be exercised and performed by the city board or department of public works.

SEC. 58. Section 4636.7 of said code is repealed.

SEC. 59. Section 4636.8 of said code is amended to read:

4636.8. The city may contract with the federal government of the United States or any branch of it, or with any county, city and county, municipal corporation, district, or other public corporation, or with any person, firm, or corporation, for the joint acquisition or construction or use of any sewer work or improvement to serve the district and such other

area as may be designated in the contract, when, in the judgment of the governing body of the city, it is for the best interests of the district so to do. Any such contract may provide for the acquisition, construction, or maintenance of such sewer work or improvement and for the payment by or for the parties to the contract of such proportionate part of the cost of such acquisition, construction, or maintenance as may be stated in the contract. The payments shall be made at such times and in such amounts as may be provided by said contract. Any such contract may provide for the joint use of any sewer work or improvement upon such terms and conditions as may be agreed upon by the parties to the contract, and for the flowage, treatment, or disposal of sewage, industrial waste, surface water, or storm water from such area for each of the parties to the contract as may be described in the contract.

Any city which has acquired or constructed, or which proposes to acquire or construct, any sewer work or improvement for the benefit of a district may contract with the federal government of the United States or any branch of it, or with any county, city and county, municipal corporation, district, or other public corporation, or with any person, firm, or corporation for the use of any such sewer work or improvement by any such county, city and county, municipal corporation, district, or other public corporation, or for the flowage, treatment or disposal of sewage, industrial waste, surface water, or storm water from any area designated by such person, firm, or corporation so contracting, upon such terms and conditions as may be provided in the contract.

SEC. 60. Section 4638 of said code is amended to read:

4638. Until the bonds are paid, or until there is a sum in the city treasury set aside for the purpose, sufficient to meet all sums coming due for the principal and interest on the bonds, the city governing body shall, at the time of fixing, and in the manner provided for the general city tax levy, levy and collect each year upon the taxable property situated in the district, and upon that property only, a tax sufficient to pay the interest on the bonds as it falls due, and also such part of the principal as will become due before the proceeds of a tax levied at the next general tax levy will be available. However, if the maturity of the indebtedness created by the issuance of the bonds, or any series of the bonds, is made to begin more than two years after date of the bonds or such series, the tax shall be levied and collected annually, sufficient to pay the interest on the indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal on or before maturity.

SEC. 61. Section 4639 of said code is amended to read:

4639. The taxes required to be levied and collected by Section 4638 shall be in addition to all other taxes levied for city purposes and in addition to the taxes levied pursuant to Sec-

tion 4640. The proceeds of such taxes shall be used for no purpose other than the payment of the principal and interest due on the bonds or series of the bonds.

SEC. 62. Section 4639.5 is added to said code, to read:

4639.5. Chapter 5 (commencing with Section 5400), Division 6, Title 1 of the Government Code shall apply to bonds issued pursuant to this chapter, except that the proceeds referred to in Section 5404 of the Government Code shall be used only for some purpose which is of special benefit to the district including, but not limited to, the payment of or reimbursement for such of the cost and expenses listed in Section 4625 as have already been paid or incurred for the benefit of the district and which could have been included in determining the amount of bonds to be issued, or the payment of principal of or interest on bonded indebtedness previously incurred on behalf of the district.

SEC. 63. Section 4640 is added to said code, to read:

4640. The governing body of the city may, at the time of fixing and in the manner provided for the general city tax levy, levy and collect in any year upon the taxable property in the district, and upon that property only, a tax not to exceed twenty cents ($0.20) on each one hundred dollars ($100) of assessed valuation, for any of the following purposes:

(a) Paying the costs of maintenance and operation of any sewer work or improvement done for the benefit of the district.

(b) Paying the costs and expenses of any sewer work or improvement for the benefit of the district or any addition to or improvement of the sewer work or improvement previously done for the benefit of the district.

(c) Paying or reimbursing the city for any of the costs and expenses listed in Section 4625 not previously paid or reimbursed.

The taxes levied pursuant to this section shall be in addition to all other taxes levied for city purposes and in addition to the taxes levied pursuant to Section 4639 and the proceeds thereof shall be used for no purpose other than the purposes permitted by this section.

SEC. 64. Section 4641 of said code is amended to read:

4641. Territory which is either within or without the boundaries of the city and which is not within the boundaries of any other sewer district formed pursuant to this chapter may be annexed to any existing sewer district by the governing body of the city.

SEC. 65. Section 4641.5 is added to said code, to read:

4641.5. Territory which is outside the boundaries of the city, or the initiating city, as the case may be, shall not be annexed unless the governing body of the city within which such outside territory is situated, or, in the case of unincorporated territory, the board of supervisors of the county in which such territory is situated, consents to such annexation by resolution adopted at any time prior to the conclusion of the hearing which is provided for by Section 4646 on the

annexation. Any district which as a result of any annexation includes territory not solely within the boundaries of a single city shall thereafter be deemed to be a district formed pursuant to Article 2a (commencing with Section 4614 1) of this chapter even though it was not originally formed pursuant to that article.

SEC. 66. Section 4642 of said code is amended to read:

4642. Whenever the governing body of the city determines and finds that additional territory will be benefited by annexation to the district, it may pass a resolution to that effect.

SEC. 67. Section 4643 of said code is amended to read:

4643. The resolution shall be passed by a vote of two-thirds of all the members of the governing body of the city.

SEC. 68. Section 4644 of said code is amended to read:

4644. The resolution shall do all of the following:

(a) Describe the boundaries of the territory proposed to be annexed.

(b) Designate the proposed annexation by an appropriate number.

(c) Declare that the area to be annexed to the district will be benefited by such annexation.

(d) Name the time and place for the hearing of objections by any person interested in the proposed annexation, to the inclusion in the district of any land described in the resolution.

SEC. 69. Section 4645 of said code is amended to read:

4645. The resolution, together with the names of the members of the governing body voting for and against it, shall be published, posted, and mailed as provided in Sections 4610 and 4610.5, except that in applying such sections the word "district" shall mean the territory proposed to be annexed.

SEC. 70. Section 4646 of said code is amended to read:

4646. On the day fixed for the hearing, or any day to which the hearing is continued, the governing body shall hear and consider any objections presented to the annexation of the territory to the district or to the inclusion of any territory proposed to be annexed. At the hearing the governing body shall exclude from the proposed annexation any territory which in its opinion will not be benefited by such annexation.

SEC. 71. Section 4647 of said code is amended to read:

4647. After making all necessary and proper changes in the boundaries, the governing body may, by a resolution passed by a two-thirds vote of all its members order the annexation to the district of all or such part of the territory originally proposed to be annexed as the governing body determines will be benefited by such annexation and shall describe the boundaries of the territory annexed. This resolution, together with the names of the members of the governing body voting for and against the resolution, shall be spread upon the minutes of the governing body. Certified copies of the resolution shall be recorded and filed in the manner and with the same force and effect as provided in Section 4613.

SEC. 72. Section 4648 of said code is amended to read:

4648. Upon the recordation of such resolution the territory annexed is a part of the district and is subject to all the liabilities and entitled to all the benefits of the district.

SEC. 73. The Municipal Sewer District Act of 1939 (Ch. 24, Stats. 1939) is repealed. The repeal of such act shall not, however, operate to divest, limit, or prevent the legislative body which is authorized to conduct a proceeding pursuant to such act from exercising any or all authority, power, and jurisdiction and performing any or all of the functions, acts or duties which are imposed, prescribed, or authorized by such act in any proceeding wherein the ordinance of intention was adopted as provided in such act before January 1, 1964. The repeal also shall not be applicable to, or affect in any way, any of the following:

(a) Any bonds issued or authorized to be issued, prior to the effective date of this act, or hereafter issued or authorized to be issued in any proceeding so commenced prior to January 1, 1964.

(b) Any tax, assessment, or annual charge levied prior to the effective date of this act or hereafter required or permitted to be levied pursuant to the Municipal Sewer District Act of 1939 in connection with any district which is formed in a proceeding so commenced before January 1, 1964.

The provisions of the Municipal Sewer District Act of 1939 are retained in full force and effect for all of the purposes stated in this section.

CHAPTER 757

An act to amend Section 1263 of the Agricultural Code, relating to produce dealers, to take effect immediately.

[Approved by Governor June 5, 1963. Filed with Secretary of State June 5, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 1263 of the Agricultural Code is amended to read:

1263. No person shall act as a commission merchant, dealer, broker, cash buyer, or agent without having obtained a license as provided in this chapter. Every person, before acting as a commission merchant, dealer, broker, cash buyer, or agent, as herein defined, shall file an application with the director for a license to transact the business of commission merchant, dealer, broker, cash buyer, or agent, and such application shall be accompanied by the license fee herein provided for each specified class of business. Separate applications shall be filed for each class of business.

The application shall in each case state the class or classes of farm products applicant proposes to handle, the full name

of the person applying for such license, and if the applicant be a firm, exchange, association or corporation, the full name of each member of the firm, or the names of the officers of the exchange, association or corporation shall be given in the application. Such application shall further state the principal business address of the applicant in the State of California and elsewhere and the name or names of the person or persons authorized to receive and accept service of summons and legal notices of all kinds for the applicant. The director shall require the applicant to make a showing of character, responsibility and good faith in seeking to carry on the business stated in the application, and may make investigations, hold hearings, and make determinations respecting such matters.

Should the applicant be a corporation or partnership, it shall likewise satisfy the director of the character, responsibility, and good faith of any or all persons connected with it in a responsible or managing position, such as manager, superintendent, officer, or director of a corporation, or manager, superintendent, or member of a partnership. Failure of any such person to satisfy the director of his character, responsibility, or good faith may be considered by the director as adverse to a showing of such qualifications by such corporation or partnership, and shall be good and sufficient grounds for the denial of an application for license or of the renewal thereof.

Previous conviction of a felony, previous bankruptcy, voluntary or involuntary, or previous violation of this chapter shall be considered by the director as adverse to a showing of such character, responsibility, or good faith on the part of any applicant, or on the part of any manager, superintendent, director, or officer of an applicant corporation, or on the part of any superintendent, manager, or member of an applicant partnership. The same considerations are applicable to an individual applicant who has previously been in a responsible or managing position with a corporation or partnership which has suffered revocation or suspension of license by reason of violation of this chapter or by reason of violation of Chapter 9, Division 6, of the Agricultural Code.

Any person adjudged a bankrupt, or any person against whose bondsman or bondsmen a claim or claims have been collected by the director in accordance with the provisions of this chapter or Chapter 9 (commencing at Section 1299.18) of Division 6 of this code, and who has not made full settlement with all producer-creditors, shall not be licensed by the director during the period of three (3) years from the date of such adjudication or collection.

In addition to the general requirements applicable to all classes of applications as in this section set forth, the following requirements shall apply to the class of applications noted:

(a) Commission Merchants. Each application shall include a complete schedule of commissions, together with itemized

listing of all charges for all services, and such designated commissions and charges shall not be changed or varied for the license period except by written contract between the parties or by written notice to the director. If changed by a written contract, such charges shall be clearly set forth in detail in said written contract Any services rendered for which charges are made, if not listed in the schedule on the application, shall be rendered on a strictly cost basis.

(b) Agents. Each application shall include such information as the director may consider proper or necessary, and shall include the name and address of applicant, and the name and address of the commission merchant, dealer, broker, or cash buyer represented or sought to be represented by said agent, and the written endorsement or nomination of such commission merchant, dealer, broker, or cash buyer.

The director shall thereupon issue to such applicant a license entitling the applicant to conduct the business described in the application at the place named in the application for a year from the date thereof or until the same shall have been suspended or revoked for cause; provided, however, that licenses of agents shall expire upon the date of expiration of the license of the principal for whom the agent acts. The director may also issue to each agent a card or cards, which shall bear the signature of said agent, separate cards being required for each principal. Any agent shall show said card or cards upon the request of any interested person. Any agent who displays a void or expired license card is guilty of a misdemeanor, punishable as provided in Section 1273 of this chapter.

Fraud or misrepresentation in making any application shall ipso facto work a revocation of any license granted thereunder. All indicia of the possession of a license shall be at all times the property of the State of California and each licensee shall be entitled to the possession thereof only for the duration of said license.

For filing the application herein described, each applicant must pay a fee as follows:

(a) Commission Merchants. Eighty dollars ($80) for each year; provided, that a person licensed as a slaughterer under the provisions of Article 13 (commencing at Section 359) of Chapter 2 of Division 3 of this code shall be entitled to be licensed as a commission merchant without payment of further fees.

(b) Dealers. Eighty dollars ($80) for each year.

(c) Brokers. Eighty dollars ($80) for each year.

(d) Cash Buyers. Eighty dollars ($80) for each year.

(e) Agents. Ten dollars ($10) for each license period of the principal.

Should any commission merchant, dealer, broker, or cash buyer fail, refuse, or neglect to apply for the renewal of a pre-existing license on or before the date of the expiration thereof, a penalty of ten dollars ($10) shall apply to and be

added to the original fee of eighty dollars ($80), and shall be paid by the applicant before the renewal license may be issued.

Any person who has applied for and obtained a license within the classification of commission merchant, or dealer, or broker, or cash buyer, in the manner and upon payment of the fee herein set forth, may apply for and secure a license in any or all of the remaining such classifications upon payment of a further fee in the amount of twenty-five dollars ($25) for each additional classification for which application is made, and upon further complying with those parts of this chapter regulating the licensing of the other particular classification involved. All licenses held by any licensee under the provisions of this section shall automatically expire on the expiration date of the original license for which the license fee of eighty dollars ($80) was paid.

SEC. 2. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 758

An act to amend Section 1300.1 of the Agricultural Code, relating to processors of farm products, to take effect immediately.

[Approved by Governor June 5, 1963. Filed with Secretary of State June 5, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 1300.1 of the Agricultural Code is amended to read:

1300.1. No person shall act as a processor or agent without having first obtained a license as provided in this chapter. Every person, before acting as a processor, shall file an application with the director for a license to so act, and such application shall be accompanied by an application fee of ninety dollars ($90).

Such applicant shall further satisfy the director of his or its character, responsibility and good faith in seeking to carry on the business stated in the application.

Should the applicant be a corporation or partnership, it shall likewise satisfy the director of the character, responsibility and good faith of any or all persons connected with it in a responsible or managing position, such as manager, superintendent, officer or director of a corporation, or manager, superintendent, or member of a partnership. Failure of any such person to satisfy the director of his character, responsibility, or good faith may be considered by the director as adverse to a showing of such qualifications by such corporation or partnership, and shall be good and sufficient grounds for

the denial of an application for license or of the renewal thereof.

Previous conviction of a felony, previous bankruptcy, voluntary or involuntary, or previous violation of this chapter may be considered by the director as adverse to a showing of such character, responsibility, or good faith on the part of any applicant, or on the part of any manager, superintendent, director or officer of an applicant corporation, or on the part of any superintendent, manager, or member of an applicant partnership. The same considerations are applicable to an individual applicant who has previously been in a responsible or managing position with a corporation or partnership which has suffered revocation or suspension of license by reason of violation of this chapter or by reason of violation of Chapter 6, Division 6, of the Agricultural Code

Every person before acting as an agent, shall file an application with the director for a license to so act, and such application shall be accompanied by an application fee of ten dollars ($10).

Processor: Each application shall state:

(a) The full name of the applicant;

(b) If the applicant be a firm, exchange, association or corporation the full name of each member of the firm, or the names of the officers of the exchange, association or corporation;

(c) The principal business address of the applicant in the State of California;

(d) The name or names of the person or persons authorized to receive and accept service of summons for the applicant.

Upon the filing of such application and the payment of such fee the director shall issue to such applicant a license entitling the applicant to conduct the business of processor within the State of California for a year from the date thereof, or until the same shall have been revoked in the manner and upon the grounds hereinafter specified.

Should any processor fail, refuse or neglect to apply for the renewal of a pre-existing license on or before the date of expiration thereof, a penalty of ten dollars ($10) shall apply to and be added to the original fee of ninety dollars ($90), and shall be paid by the applicant before the renewal license may be issued.

Agent: Each application shall include such information as the director may consider proper or necessary, and shall include the name and address of the applicant, the name and address of the processor represented or sought to be represented by said agent, and the written endorsement or nomination of such processor.

Upon the filing of the application and fee as herein provided, the director shall issue to the applicant a license entitling the applicant to conduct the business described in the application. The license of an agent shall expire upon the date of expiration of the license of the processor for whom the

agent acts, or until revoked in the manner and upon the grounds hereinafter specified, whichever first occurs. The director may issue to each agent a separate license card for each processor represented by the agent. Any agent who displays a void or expired license card is guilty of a misdemeanor.

SEC. 2. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 759

An act to amend Sections 11255, 17451, 17452 and 17453 of the Education Code, relating to school apportionments, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 5, 1963. Filed with Secretary of State June 5, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 11255 of the Education Code is amended to read:

11255. If the average daily attendance of pupils residing in territory of a district, hereinafter referred to as the "original district," in the regular day schools of such original district during the fiscal year immediately preceding the effective date of the inclusion of such territory for all purposes in another district of the same type, hereinafter referred to as the "acquiring district," under or pursuant to any provision of law, exceeds 25 units, such average daily attendance shall, for all the purposes of Sections 10951 to 11653, inclusive, Sections 17151 to 18460.1, inclusive, Sections 18654 to 20251, inclusive, Sections 20501 to 21801, inclusive, and Sections 21803 to 22152, inclusive, whichever are in effect, be deemed to have been average daily attendance in the regular day schools of the acquiring district and not average daily attendance in the regular day schools of the original district, except that if the acquiring district was not in existence for all purposes during said preceding fiscal year, such average daily attendance shall be deemed to have been average daily attendance in the regular day schools of the acquiring district during said preceding fiscal year.

The average daily attendance of pupils in the regular day junior colleges of an original high school or unified school district during the fiscal year immediately preceding the effective date of the inclusion of such high school or unified school district in an acquiring junior college district shall, for all the purposes of Sections 10951 to 11653, inclusive, Sections 17151 to 18460 1, inclusive, Sections 18654 to 20251, inclusive, Sections 20501 to 21801, inclusive, and Sections 21803 to 22152, inclusive, whichever are in effect, be deemed to be average daily attendance in regular day junior colleges of the junior

college district during said preceding fiscal year and not average daily attendance in the regular day junior colleges of the high school or unified school district during said preceding fiscal year.

For the purposes of this section all elementary school districts are districts of the same type, all high school districts are districts of the same type, and all junior college districts are districts of the same type.

The inclusion of the whole or a portion of an elementary school district, high school district, or junior college district in a unified school district shall be deemed to be the inclusion of such elementary school district, high school district, or junior college district or portion thereof in the elementary school district, high school district, or junior college district as the case may be, within the unified school district.

The Superintendent of Public Instruction shall, and is authorized to do so, adopt such rules and regulations as in his judgment are necessary to give effect to this section.

SEC. 2. Section 17451 of said code is amended to read:

17451. Whenever any junior college district is formed which includes a high school or unified school district maintaining a separate day junior college, the governing board of the junior college district may apply to the Superintendent of Public Instruction for an apportionment pursuant to this article (commencing at Section 17451).

SEC. 3. Section 17452 of said code is amended to read:

17452. The application shall be made in the form and manner prescribed by the Superintendent of Public Instruction not later than the effective date of the formation of the junior college district for all purposes. Each application shall include an estimate of the average daily attendance of pupils in the regular day junior college of the high school or unified school district during the fiscal year immediately preceding the effective date of the inclusion of such high school or unified school district in the newly formed junior college district signed by the county superintendent of schools having jurisdiction over the junior college district. Such estimate shall be based upon enrollment in the regular day junior college of the high school or unified school district included in such junior college district during the current fiscal year and shall be subject to the approval of the Superintendent of Public Instruction.

SEC 4. Section 17453 of said code is amended to read:

17453. Not later than 30 days after such application, the Superintendent of Public Instruction shall apportion to each applicant school district from the State General Fund, as an advance against future apportionments from the State School Fund to such district, an amount equal to one-half of the basic state aid to which the district is entitled during the first fiscal year of the existence of such district, based upon the estimated average daily attendance of pupils in the regular day junior college of the high school or unified school district during the

fiscal year immediately preceding the effective date of the inclusion of such high school or unified school district in the newly formed junior college district for all purposes

SEC. 5. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

This act is necessary in order to provide funds necessary to carry out essential public school functions in newly formed junior college districts during the remainder of the current fiscal year.

CHAPTER 760

An act to amend Sections 22402, 22404, 22405, 22407, 22441 and 22554 of, and to add Sections 22406.5, 22553.5 and 22557 to, and to add Article 5 (commencing with Section 22850) to Chapter 5 of Part 2 of Division 9 of, the Public Utilities Code, relating to airport districts.

[Approved by Governor June 5, 1963. Filed with Secretary of State June 5, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 22402 of the Public Utilities Code is amended to read:

22402. Each district shall hold a general district election for the election of directors on the fourth Tuesday in March in the second year after its formation, and on the fourth Tuesday in March in every second year thereafter. The election shall be called, noticed and conducted, candidates nominated, the votes canvassed, and the results declared in the manner prescribed by Chapter 2 (commencing with Section 22800) of Part 2 of Division 12 of the Elections Code applicable to officers of a city.

SEC. 2. Section 22404 of said code is amended to read:

22404. The terms of office of the directors elected at the formation election are as follows: The term of office of the three directors receiving the highest votes is until the second general district election, and the term of office of the other two is until the first general district election, and as to all such directors until their successors are elected and qualified.

SEC. 3. Section 22405 of said code is amended to read:

22405. The term of office of each director elected after the formation election is four years and until his successor is elected and qualified, except that the term of office for members of the board of directors of a district in existence on the effective date of the amendment of this section at the 1963 Regular Session of the Legislature shall be until the next general district election. The term of office of directors elected at

such a general district election shall be determined in the same manner as is the term of office for directors elected at the formation election of a district as set forth in Section 22404 above.

SEC. 4. Section 22406.5 is added to said code, to read:

22406.5. Every director, whether elected by public vote or appointed, may be recalled by the voters in accordance with the recall provisions of Chapter 3 (commencing with Section 27500) of Division 14 of the Elections Code applicable to officers of cities.

SEC. 5. Section 22407 of said code is amended to read:

22407. Each of the members of the board of directors shall receive compensation in an amount not to exceed fifty dollars ($50) for each attendance at the meeting of the board held within the district, which amount shall be fixed from time to time by the board of directors. No director, however, shall receive pay for more than two (2) meetings in any calendar month.

Each director shall be allowed, with the approval of the board, all traveling and other expenses necessarily incurred by him in the performance of his duties.

SEC. 6. Section 22441 of said code is amended to read:

22441. The auditor shall install and maintain a system of auditing and accounting which shall competently and at all times show the financial condition of the district. He shall draw warrants to pay demands made against the district if the demands have been approved by at least three directors.

SEC. 7. Section 22553.5 is added to said code, to read:

22553.5. The board of directors may, from time to time, cause to be sold property of the district which in its opinion is not needed for the district's affairs. Such sales, at the discretion of the board of directors, may be on time, provided at least 20 percent of the total consideration be paid in cash at the time of the transaction and the remainder thereto be paid within 10 years and evidenced by a promissory note payable to the order of the district bearing interest at the rate of at least 5 percent per annum secured by a first mortgage, first deed of trust, or other prior encumbrance upon the property being sold.

SEC. 8. Section 22554 of said code is amended to read:

22554. A district may also:

(a) Employ legal counsel, in addition to its district counsel, and provide all necessary custodians, employees, engineers, and attendants for the proper maintenance of the property of the district and the conduct of the affairs of the district, for any of its purposes.

(b) Borrow money, incur indebtedness, issue bonds or other evidence of the indebtedness, and refund or retire any indebtedness of the district.

(c) Cause to be levied and collected, taxes for the purpose of maintaining and carrying on the operations of the district and paying its obligations.

(d) Make contracts, employ labor, and do all acts necessary or convenient for the full exercise of any of the powers of the district.

SEC. 9. Section 22557 is added to said code, to read:

22557. The district may issue temporary negotiable notes bearing interest at a rate not exceeding 6 percent per annum; provided, however, that said notes shall be general obligations of the district payable from revenues and taxes, unless paid from other available funds of the district, in the same manner as bonds of said district. The maturity of said notes shall not be later than five (5) years from the date thereof, and the total aggregate amount of such notes outstanding at any one time shall not exceed 2 percent of the assessed valuation of the taxable property in the district, or if said assessed valuation is not obtained, 2 percent of the county auditor's estimate of the assessed valuation of the taxable property of the district evidenced by his certificate. The total aggregate amount of such notes outstanding at any one time shall further not exceed the sum of five hundred thousand dollars ($500,000).

SEC. 10. Article 5 (commencing with Section 22850) is added to Chapter 5 of Part 2 of Division 9 of said code, to read:

Article 5. Revenue Bonds

22850. In addition to any other powers of the district to finance improvements and to provide an independent method of financing from that contained in any other sections of the California Airport District Act, subject to the provisions of this article a district may borrow money to provide funds to pay all costs of any public improvement authorized by this part and may issue revenue bonds to evidence the indebtedness created by such borrowing.

Such revenue bonds shall constitute special obligations and evidence a special indebtedness of the district which shall be a charge upon and payable as to the principal thereof, interest thereon, and any premiums upon the redemption of any thereof, solely from such revenues and funds as are specified therein and in the proceeding for their issuance. They shall not constitute general obligations of the district, and they shall neither constitute obligations nor evidence any indebtedness of any other public agency of which the district may be a part or of the State.

All such bonds shall recite upon their face the substance of the preceding portions of this section and shall also recite upon their face that they are issued under this article.

22851. Revenue bonds under this article shall be authorized, issued and sold under the provisions of the Revenue Bond Law of 1941 (Chapter 6 (commencing with Section 54300), Part 1, Division 2, Title 5, Government Code).

CHAPTER 761

An act to amend Sections 2923 and 2925 of the Revenue and Taxation Code, relating to property tax collection accountability by collectors and assessors.

[Approved by Governor June 5, 1963. Filed with Secretary of State June 5, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 2923 of the Revenue and Taxation Code is amended to read:

2923. Any tax collector or assessor charged by law with the collection of any delinquent taxes on unsecured property may file a verified application with the board of supervisors for a discharge from accountability for the collection of the taxes if the amount is such as not to justify the cost of collection or collection enforcement is impracticable.

SEC. 2. Section 2925 of said code is amended to read:

2925. The board shall make an order discharging the applicant from further accountability for the collection of the taxes specified in the application, and authorizing the applicant to close his books in regard to such items, if it is satisfied that:

(a) The matters contained in the application are true.

(b) The amounts are such as not to justify the cost of collection or collection enforcement is impracticable.

CHAPTER 762

An act to amend Sections 4916 and 4925 of the Revenue and Taxation Code, relating to refund of overpayment of taxes.

[Approved by Governor June 5, 1963. Filed with Secretary of State June 5, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 4916 of the Revenue and Taxation Code is amended to read:

4916. If the amount paid exceeds the amount due on the property intended, the applicant is entitled to a refund of the excess in the same manner as an overcollection of tax is refunded; provided, however, that if the refund is made within 60 days after the date of payment it may be made by the tax collector.

SEC. 2. Section 4925 of the Revenue and Taxation Code is amended to read:

4925. If the amount paid by the redemptioner exceeds the amount necessary to redeem the property intended or more

than the amount required to be paid for the use of the property pursuant to Chapter 3 of Part 7 of this division the applicant is entitled to a refund of the excess which shall be paid in the same manner as an overcollection of tax is refunded; provided, however, that if the refund is made within 60 days after the date of payment it may be made by the redemption officer.

CHAPTER 763

An act to amend Sections 4219 and 4220 of the Revenue and Taxation Code, relating to payment of delinquent taxes in installments.

[Approved by Governor June 5, 1963. Filed with Secretary of State June 5, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 4219 of the Revenue and Taxation Code is amended to read:

4219. Election to pay delinquent taxes in installments is made by payment, in the same manner as a redemption, of 20 percent, or more, of the redemption amount. All current taxes, with penalties thereon, due or coming due in the fiscal year in which this first payment is made shall be paid on or before April 10th, except that if the election to pay delinquent taxes in installments is made after April 10th in any fiscal year, the current taxes, with penalties and costs thereon, shall be paid with or prior to the installment payment.

SEC. 2. Section 4220 of the Revenue and Taxation Code is amended to read:

4220. In each succeeding fiscal year the redemptioner shall pay:

(a) All current taxes and penalties coming due in that fiscal year.

(b) Twenty percent, or more, of the redemption amount, plus interest on the balance of the redemption amount of one-half percent accruing on the first day of each month following the preceding payment of a part of the redemption amount. Payments under this subdivision shall be computed and paid in the same manner as a redemption, and the receipts for such payments shall show that the payments are for the use of the real estate under this plan for payment of delinquent taxes in installments.

CHAPTER 764

An act to add Section 30066 to the Water Code, relating to county water districts.

[Approved by Governor June 5, 1963. Filed with Secretary of State June 5, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 30066 is added to the Water Code, to read:

30066. An action to determine the validity of an assessment, or of warrants, contracts, obligations, or evidences of indebtedness pursuant to this division may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

CHAPTER 765

An act to repeal Section 1571 of, and to add Section 1571 to, the Welfare and Institutions Code, relating to aid to needy children.

[Approved by Governor June 5, 1963. Filed with Secretary of State June 5, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 1571 of the Welfare and Institutions Code is repealed.

SEC. 2. Section 1571 is added to said code, to read:

1571. In all cases in which the whereabouts of the parent is unknown, the county department shall refer the applicant to the district attorney at the time the application for assistance is signed.

In all cases in which the absent parent is in the county and his whereabouts is known, it shall be the duty of the county department to interview him as soon as possible after the application for assistance is signed. The county department shall determine his ability to support his children, make arrangements for his complying with his obligation to support, discuss his parental responsibilities, and explore the possibility of a reconciliation and the resumption of a parental relationship with his children. If the county department is unable to enter into a satisfactory support agreement with the absent parent within 45 days after the application for assistance is signed, the county department shall refer the case to the district attorney unless it has definitely determined that the man is financially incapable of supporting the child. If the absent parent is residing out of the county and his whereabouts is known, the county department may within its discretion at-

tempt to interview him for the same purposes and under the same condition as stated above.

Anything in this section to the contrary notwithstanding, it shall be the duty of the county department to refer to the district attorney any case in which one or more of the following factors appear:

1. The absent parent refuses to be interviewed, to provide necessary information, or to discuss his parental responsibilities.

2. The absent parent refuses to make a contribution in accordance with his financial ability.

3. There is reason to believe that the parent may flee or hide if contacted by the county department.

4. The absent parent's previous history indicates that although he is capable of a support contribution, efforts by the county department to obtain support would be fruitless.

5. Legal action is necessary to establish paternity.

6. The absent parent has entered into an agreement with the county department to support his child and without good cause has failed to comply with that agreement for an unreasonable period which in no event shall exceed 60 days.

The county department shall co-operate with the district attorney and shall report to him all information contained in the case record which concerns the question of nonsupport and the suitability of prosecution as a method of obtaining support for the child in each case.

Upon referral the district attorney shall immediately investigate the question of nonsupport and shall take all steps necessary to obtain support for the needy child. However, upon the advice of the county department that a child is being considered for adoption, the district attorney shall delay his investigation and other action with respect to the case until advised that the adoption is no longer under consideration.

The granting of aid to the applicant shall not be delayed or contingent upon investigation by the district attorney.

The county department shall immediately notify the district attorney of the county whenever aid is granted to a child who is not being supported by a parent unless it is definitely established that the parent is financially incapable of providing such support. Such notice shall require no action by the district attorney unless and until the case has been referred to him by the county department.

CHAPTER 766

An act to add Section 6724 to Article 7 of Chapter 1 of Part 4 of Division 6 of the Welfare and Institutions Code, relating to apprehension of persons who have escaped from mental institutions in other jurisdictions.

[Approved by Governor June 5, 1963. Filed with Secretary of State June 5, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 6724 is added to Article 7 of Chapter 1 of Part 4 of Division 6 of the Welfare and Institutions Code, to read:

6724. When any patient or inmate has escaped from any public mental hospital in a state of the United States other than California and is present in this State, any peace officer, health officer, county physician, or assistant county physician may take such person into custody within five years after the escape. Such person may be admitted and detained in the quarters provided in any county hospital or state hospital upon application of the peace officer, health officer, county physician, or assistant county physician. The application shall be in writing and shall state the identity of the person, the name and place of the institution from which he escaped and the approximate date of the escape, and the fact that the person has been apprehended pursuant to this section.

As soon as possible after the person is apprehended, the district attorney of the county in which the person is present shall file a petition in the superior court alleging the facts of the escape, and requesting an immediate hearing on the question of whether the person has escaped from a public mental hospital in another state within five years prior to his apprehension. The hearing shall be held within three days after the day on which the person was taken into custody. If the court finds that the person has not escaped from such a hospital within five years prior to his apprehension, he shall be released immediately.

If the court finds that the person did escape from a public mental hospital in another state within five years prior to his apprehension, the superintendent or physician in charge of the quarters provided in such county hospital or state hospital may care for and treat the person, and the district attorney of the county in which such person is present immediately shall present to a judge of the superior court a petition asking that the person be committed to a state hospital in this State. The hearing on the petition shall be held within seven days after the court's determination in the original hearing that the person did escape from a public mental hospital in another state within five years prior to his apprehension. Proceedings shall thereafter be conducted as on a petition of mental illness. If the court finds that the person is mentally ill it shall order him

committed to a state hospital in this State; otherwise, it shall order him to be released. It shall be the duty of the superintendent of the state hospital to accept custody of such person, if he has been determined to be mentally ill. The Department of Mental Hygiene will promptly cause such person to be returned to the institution from which he escaped if the authorities in charge of such institution agree to accept him. If such authorities refuse to accept such person, the superintendent of the state hospital in which the person is confined shall continue to care for and treat the person in the same manner as any other person committed to the hospital as mentally ill.

CHAPTER 767

An act to add Section 31681.6 to the Government Code, relating to the County Employees Retirement Law of 1937.

[Approved by Governor June 5, 1963. Filed with Secretary of State June 5, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 31681.6 is added to the Government Code, to read:

31681.6. In any county which made Section 31676.1 of the Government Code applicable effective July 1, 1962, the board of supervisors may by resolution make the benefits provided by Section 31676.1 applicable to employees who retired prior to July 1, 1962, and after the board of supervisors first adopted a resolution providing that Section 31676.1 would become applicable provided that such employees' retirement was by reason of having reached the age of compulsory retirement prior to July 1, 1962. In such instance the employees shall be entitled to the benefits provided by Section 31676.1 as of July 1, 1962.

CHAPTER 768

An act to repeal Section 20331 of, to add Sections 20015.5, 20331 and 21367.52 to, and to amend Section 20651 of, the Government Code, relating to the State Employees' Retirement System.

[Approved by Governor June 5, 1963. Filed with Secretary of State June 5, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 20331 of the Government Code is repealed.

SEC. 2. Section 20015.5 is added to said code, to read:

20015.5. The provisions of this part extending rights to a member of this system, or subjecting him to any limitation, by reason of his membership in a retirement system established under the County Employees' Retirement Law of 1937, shall apply in like manner and under like conditions to a member of this system by reason of his membership in any retirement system maintained by the university, provided that such member entered this system on or after October 1, 1963, and within 90 days of discontinuance of employment as a member of a retirement system maintained by the university, or he entered into employment as a member of any system maintained by the university on or after October 1, 1963, and within 90 days of discontinuance of employment as a member of this system; provided, further, that this section shall have no application whatsoever unless and until the Board of Regents agrees to provide similar benefits under any university system under like conditions.

This section shall supersede any provision contained in Sections 20024 and 20024.01 which is in conflict herewith, with respect to any person who enters university employment or employment in which he is a member of this system, on or after October 1, 1963.

SEC. 3. Section 20331 is added to said code, to read:

20331. Any person who on October 1, 1963, is employed by the university and is a member of any retirement system maintained by the university, or who after that date enters university employment, shall be excluded from membership in this system.

SEC. 4. Section 21367.52 is added to said code, to read:

21367.52. If the estate or designated beneficiary of a member retired under this system is entitled to receive a comparable lump-sum death benefit from any other retirement system supported in whole or in part by public funds in which he was a member in employment subsequent to his last employment in which he was a member of this system, no payment shall be made under Sections 21367.5 or 21367.51 providing for payment of a lump-sum death benefit to a member's estate or designated beneficiary.

SEC. 5. Section 20651 of said code is amended to read:

20651. Any member who enters university employment on or after October 1, 1963, shall be considered permanently separated from state service, with respect to his right to withdraw contributions.

SEC. 6. This act shall become operative on October 1, 1963.

CHAPTER 769

An act to amend Section 12883.5 of the Water Code, relating to state financial assistance for local water projects.

[Approved by Governor June 5, 1963. Filed with Secretary of State June 5, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 12883.5 of the Water Code is amended to read:

12883.5. The department is authorized to make state loans to public agencies for the preparation of feasibility reports on proposed projects, from any moneys available for such loans, in an amount for any one feasibility report on a proposed project not exceeding 2 percent of the estimated cost of the proposed project or fifty thousand dollars ($50,000), whichever is less, subject to the provisions of this chapter; provided, that only one such loan may be made to a public agency in relation to any one proposed project. A loan in excess of said amount for any one feasibility report may be made by the department only upon authorization by the Legislature and upon such terms and conditions as the Legislature may prescribe.

CHAPTER 770

An act to amend Section 13729 of the Education Code, relating to emergency appointments of classified employees.

[Approved by Governor June 5, 1963. Filed with Secretary of State June 5, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 13729 of the Education Code is amended to read:

13729. The appointing power may, to prevent the stoppage of public business when an actual emergency arises and persons on eligibility lists are not immediately available, make appointments for a period not to exceed 15 working days, in accordance with commission rule.

CHAPTER 771

An act to amend Section 6661 of the Welfare and Institutions Code, relating to the collection of money due a patient.

[Approved by Governor June 5, 1963 Filed with Secretary of State June 5, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 6661 of the Welfare and Institutions Code is amended to read:

6661. When a person who is a patient of a state hospital in the Department of Mental Hygiene has no guardian and has money due or owing to him, the total amount of which does not exceed the sum of three thousand dollars ($3,000), the superintendent of the institution of which the person is a patient may collect any money so due or owing upon furnishing to the person, representative, officer, body or corporation in possession of or owing any such sums, an affidavit executed by the superintendent or acting superintendent. The affidavit shall contain the name of the institution of which the person is a patient, and the statement that the total amount of such sums known to be due to the person does not exceed the sum of three thousand dollars ($3,000). Payments from retirement systems and annuity plans which are due or owing to such patients may also be collected by the superintendent of the institution of which the person is a patient, upon the furnishing of an affidavit executed by the superintendent or acting superintendent, containing the name of the institution of which the person is a patient and the statement that such person is entitled to receive such payments. Such sums shall be delivered to the superintendent and shall be deposited by him in the patients' personal deposit fund as provided in Section 6657 of this code.

The receipt of such superintendent shall constitute sufficient acquittance for any payment of money made pursuant to the provisions of this section and shall fully discharge such person, representative, officer, body or corporation from any further liability with reference to the amount of money so paid.

The superintendent of each institution shall render such reports and accounts annually or more often as may be required by the Department of Mental Hygiene or the Department of Finance of all moneys of patients deposited in the patients' personal deposit accounts of the institution.

CHAPTER 772

An act to amend Section 21338 of the Government Code, relating to the State Employees' Retirement System.

[Approved by Governor June 5, 1963. Filed with Secretary of State June 5, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 21338 of the Government Code is amended to read:

21338. A member retiring for service who is credited with state service, the compensation for which was subject to contribution pursuant to Section 218 of the Social Security Act, and who is fully insured under Old-age, Survivors, and Disability Insurance may elect to have the actuarial equivalent of his unmodified service retirement allowance paid in two parts:

(a) A temporary annuity which shall not exceed the primary social security benefit which it is anticipated the member will be entitled to receive at age 62 or 65, whichever shall be designated by the member, plus

(b) A life income consisting of his service retirement annuity plus such pension as may be provided by the actuarial value of his current and prior service pensions remaining after providing the temporary annuity in (a).

The temporary annuity under (a) shall not be subject to further optional settlement under this article and shall be payable monthly until the retired member attains or would attain the age designated by the member under subdivision (a). Should his death occur prior to such age, the commuted value of any remaining installments shall be paid to his designated beneficiary in the manner provided in Section 21332.5 for payment of death benefits under optional settlement one.

This section shall not apply to an allowance based on service with respect to which a member is subject to either Section 21252.5 or Section 21250.5.

SEC. 2. This act shall become operative on October 1, 1963.

CHAPTER 773

An act to amend Section 11270 of the Government Code, relating to administrative costs of state agencies.

[Approved by Governor June 5, 1963. Filed with Secretary of State June 5, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 11270 of the Government Code is amended to read:

11270. As used in this article "administrative costs" means the amounts expended by the Legislature, Controller, Treasurer, the State Personnel Board, the Secretary of State, and the State Department of Finance, and a proration of any other

cost to or expense of the State for services or facilities provided for the Legislature and the above agencies, for supervision or administration of the state government or for services to the various state agencies, other than those for which the Department of Finance may charge and collect pursuant to Article 3.

CHAPTER 774

An act to amend Section 25350 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor June 5, 1963. Filed with Secretary of State June 5, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 25350 of the Business and Professions Code is amended to read:

25350. The department may seize the following alcoholic beverages:

(a) Alcoholic beverages manufactured or produced in this State by any person other than licensed manufacturer or wine grower, regardless of where found.

(b) Beer and wine upon the sale of which the excise tax imposed by Part 14 of Division 2 of the Revenue and Taxation Code has not been paid, regardless of where found.

(c) Distilled spirits except (1) distilled spirits located upon premises for which licenses authorizing the sale of the distilled spirits have been issued; (2) distilled spirits consigned to and in the course of transportation to a licensee holding licenses authorizing the sale of the distilled spirits or for delivery without this State; (3) distilled spirits upon the sale of which the excise tax imposed by Part 14 of Division 2 of the Revenue and Taxation Code has been paid; (4) alcohol or distilled spirits in the possession of a person who has lawfully purchased it for use in the trades, professions, or industries and not for beverage use.

(d) Any alcoholic beverage possessed, kept, stored, or owned with the intent to sell it without a license in violation of this division.

(e) Notwithstanding any other provision of this section, any alcoholic beverage acquired, exchanged, purchased, sold, delivered, or possessed in violation of Sections 23104.2, 23104.3, 23394, 23402, or 24879, or Chapter 10 (commencing with Section 24749), 11 (commencing with Section 24850), or 12 (commencing with Section 25000) of this division, except that seizures under this subdivision shall be limited to the actual package or case of alcoholic beverage acquired, exchanged, purchased, sold, delivered, or possessed in violation of the foregoing provisions. Any seizure under this subdivision shall not exceed one hundred dollars ($100) of alcoholic beverages at retail price.

CHAPTER 775

An act to amend Section 25610 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor June 5, 1963. Filed with Secretary of State June 5, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 25610 of the Business and Professions Code is amended to read:

25610. (a) Any person who erases, removes, obliterates, destroys, or renders illegible in any manner any serial numbers, stamps, marks, brands, legends, or other information required by federal or state law to be attached or placed upon any packages or original cases containing alcoholic beverages, before the contents of such packages or cases have been entirely removed, is guilty of a misdemeanor.

(b) Any licensee who possesses any original unopened package or case containing alcoholic beverages on which or from which any serial number required by federal or state law to be attached or placed has been erased, removed, obliterated, destroyed, or rendered illegible in any manner, is guilty of a misdemeanor.

CHAPTER 776

An act to amend Sections 19593, 20804.3, and 21701.5 of the Education Code, and Section 23313 of the Elections Code, relating to school district elections.

[Approved by Governor June 5, 1963 Filed with Secretary of State June 5, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 20804.3 of the Education Code is amended to read:

20804.3. Notwithstanding any provision of law to the contrary, no election for the purpose of increasing or decreasing any maximum tax rate for any school district shall be held within 45 days before a statewide election or within 45 days after a statewide election unless conducted at the same time as such statewide election, subject to the provisions of Chapter 4 (commencing with Section 23300) of Part 2 of Division 12 of the Elections Code.

SEC. 2. Section 19593 of said code is amended to read:

19593. The election by a school district upon the acceptance, expenditure, and repayment of an apportionment prescribed by Section 19590 may be called and held either before or after the making of an apportionment except that no such election shall be held within 45 days before a statewide election

or within 45 days after a statewide election unless conducted at the same time as such statewide election, subject to the provisions of Chapter 4 (commencing with Section 23300) of Part 2 of Division 12 of the Elections Code.

SEC. 3. Section 21701.5 of said code is amended to read:

21701.5. Notwithstanding any provision of law to the contrary, no election shall be held pursuant to this chapter (commencing with Section 21701) within 45 days before a statewide election or within 45 days after a statewide election unless conducted at the same time as such statewide election, subject to the provisions of Chapter 4 (commencing with Section 23300) of Part 2, of Division 12 of the Elections Code.

SEC. 4. Section 23313 of the Elections Code is amended to read:

23313. Where the precinct boundaries of a school district do not fully coincide with the boundaries of the precincts established for a statewide election, any school district election governed by Sections 19593, 20804.3, and 21701.5 of the Education Code shall be either partially or completely consolidated with the statewide election. Such partial or complete consolidation shall constitute full compliance with the requirements of Sections 19593, 20804.3, and 21701.5 of the Education Code.

CHAPTER 777

An act to add Section 24211 to the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor June 5, 1963 Filed with Secretary of State June 5, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 24211 is added to the Business and Professions Code, to read:

24211. The department may on its own motion at any time before a penalty assessment is placed into effect and without any further proceedings, review the penalty, but such review shall be limited to its reduction.

CHAPTER 778

An act to amend Section 24210 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor June 5, 1963. Filed with Secretary of State June 5, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 24210 of the Business and Professions Code is amended to read:

24210. The department may delegate the power to hear and decide in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

CHAPTER 779

An act to amend Sections 14105 and 14157 of, and to repeal Section 14106 of, the Education Code, relating to state teachers' retirement.

[Approved by Governor June 5, 1963. Filed with Secretary of State June 5, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 14105 of the Education Code is amended to read:

14105. Every person who retires on or after July 1, 1944, and who is entitled to receive a retirement salary, but who at the time of retirement is not credited with the full amount of contributions to the Permanent Fund required of him by Section 14101, shall pay to the retirement system in a single payment such additional amount as is necessary to bring the contributions credited to him up to the full amount of contributions to the Permanent Fund required of him by Section 14101. Such Permanent Fund contributions as are due for service rendered after July 1, 1944, shall accumulate interest at the rates currently being used from time to time to credit interest to member's contributions. Such interest shall accumulate from the first of the year following the year in which the service was rendered.

SEC. 2. Section 14106 of said code is repealed.

SEC. 3. Section 14157 of said code is amended to read:

14157. Any person whose contributions were repaid to him and who has or will qualify for the receipt of a retirement allowance from the State Employees' Retirement System as a state member of that system, or as an employee of a local school district or of a county superintendent of schools, or from the retirement system of the University of California shall have the right to re-enter this system and to redeposit

the contributions repaid to him, with interest, as provided in Section 14155, without being employed in a status requisite for membership in this system. Such redeposit shall be in the form of a single lump sum payment. A person who is reinstated to membership on account of this section shall not be entitled to receive credit for service which might otherwise be creditable under the provisions of Section 14067.

CHAPTER 780

An act to amend Sections 7851, 7852 and 7853 of, and to add Section 7854 to, the Revenue and Taxation Code, relating to the Motor Vehicle Fuel License Tax Law.

[Approved by Governor June 5, 1963. Filed with Secretary of State June 5, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 7851 of the Revenue and Taxation Code is amended to read:

7851. If any distributor is delinquent in the payment of his license tax, or in the event a determination has been made against him which remains unpaid, the Controller may, not later than three years after the payment became delinquent, or within three years after the last recording of a certificate under Section 7872, give notice thereof personally or by registered mail to all persons, including any officer or department of the State or any political subdivision or agency of the State, having in their possession or under their control any credits or other personal property belonging to the distributor, or owing any debts to the distributor. In the case of any state officer, department or agency, the notice shall be given to such officer, department or agency prior to the time it presents the claim of the delinquent taxpayer to the State Controller.

SEC. 2. Section 7852 of said code is amended to read:

7852. After receiving the notice the persons so notified shall neither transfer nor make other disposition of the credits, other personal property, or debts in their possession or under their control at the time they receive the notice until the Controller consents to a transfer or disposition or until 60 days elapse after the receipt of the notice, whichever period expires the earlier.

SEC. 3. Section 7853 of said code is amended to read:

7853. All persons so notified shall forthwith after receipt of the notice advise the Controller of all credits, other personal property, or debts in their possession, under their control, or owing by them. If such notice seeks to prevent the transfer or other disposition of a deposit in a bank or other credits or personal property in the possession or under the control of a bank, the notice to be effective shall be delivered or mailed to

the branch or office of such bank at which such deposit is carried or at which such credits or personal property is held.

SEC. 4. Section 7854 is added to said code, to read:

7854. If, during the effective period of the notice to withhold, any person so notified makes any transfer or disposition of the property or debts required to be withheld, to the extent of the value of the property or the amount of the debts thus transferred or paid, he shall be liable to the State for any indebtedness due under this part from the person with respect to whose obligation the notice was given if solely by reason of such transfer or disposition the State is unable to recover the indebtedness of the person with respect to whose obligation the notice was given.

CHAPTER 781

An act to amend Sections 14129 and 14130 of, and to add Section 14130.1 to, the Education Code, relating to state teachers' retirement.

[Approved by Governor June 5, 1963. Filed with Secretary of State June 5, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 14129 of the Education Code is amended to read:

14129. Any member of the retirement system who does not qualify under Section 14131, and who serves or has served in the active military service of the United States or of the State, including active service in any uniformed auxiliary of, or to, any branch of such military service created or authorized as such auxiliary by the Congress of the United States of America or by the Legislature of the State of California, or in the full-time paid service of the American Red Cross, during or after the termination of his service, shall pay such amounts as may be necessary, when added to contributions for the Permanent and Retirement Annuity Funds, deducted by the agency during his absence, to make his contributions to the Permanent Fund and to the Retirement Annuity Fund, equal to the contributions he would have made had he not been absent from the service of the employing agency. The contributions made shall be remitted to the Retirement Board and administered by the board in the same manner as contributions deducted from salary payments. The employing agency may at its option, make the contributions for the member, and contributions made by the agency shall be administered as if made by the member. If the member was not employed by an employing agency at the time he entered the military service or said auxiliaries thereof, or the service of the Red Cross, his contributions to and his benefits from the Retirement Annuity Fund for such service shall be based upon the salary he was

receiving in his last employment prior to entering the military service or said auxiliaries thereof, or the service of the Red Cross.

SEC. 2. Section 14130 of said code is amended to read:

14130. If any member of the retirement system rendering any service for which credit is allowed under Section 14061 does not pay, while rendering such service, the contributions to the Permanent Fund and to the Retirement Annuity Fund provided for in Section 14129, and if said member does not qualify under Section 14131, the contributions shall be paid by him directly to the retirement system in a single payment before retirement. Contributions due under this section shall be paid with interest at the rates currently in use from time to time to credit interest on contributions due for service rendered after July 1, 1944, such interest to run from the date of the member's discharge or release from military service to the date of payment.

SEC. 3. Section 14130 1 is added to said code, to read:

14130.1. Notwithstanding the provisions of Section 14061 a member, who is required to pay contributions in accordance with Section 14130, may elect at retirement not to pay contributions in accordance with said section. If such election is made the time in military or Red Cross service covered by such contributions shall be considered as a break in service for all purposes except as provided in Section 14131.

CHAPTER 782

An act to amend Sections 13859, 13901 and 14306, and to repeal Section 13902 of the Education Code, relating to state teachers' retirement.

[Approved by Governor June 5, 1963. Filed with Secretary of State June 5, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 13859 of the Education Code is amended to read:

13859. In addition to other records and accounts, the board shall keep such records and accounts as are necessary to show at any time:

(a) The total accumulated contributions of members.

(b) All other accumulated contributions in the Permanent Fund, not required for the future payment of annuities, refunds and death benefits under Section 14258.

(c) The total accumulated annuity deposits of members in the Teachers' Annuity Deposit Fund.

(d) The total accumulated deposits of retired teachers less payments made for annuities for retired teachers.

(e) The contributions of the State to the Retirement Fund.

SEC. 2. Section 13901 of said code is amended to read:

13901. On and after July 1, 1957, there shall be established and maintained in the State Treasury a Teachers' Retirement Fund and on said date there shall be transferred to said fund all the assets then being held in the State Treasury which are to the credit of, or as are held as belonging to, the Teachers' Permanent Fund, the Retirement Annuity Fund, the Teachers' Retirement Disbursement Fund and the Teachers' Annuity Deposit Fund. Wherever in this chapter (commencing at Section 13801), authority is granted to disburse funds from, or to make payments to, the Teachers' Permanent Fund, the Retirement Annuity Fund, the Teachers' Retirement Disbursement Fund or the Teachers' Annuity Fund, such authority shall also extend to the Teachers' Retirement Fund.

The Teachers' Retirement Fund shall also include donations, legacies, gifts, and bequests made thereto and accepted by the Retirement Board and any appropriations made thereto by the Legislature in addition to amounts provided in this chapter

SEC. 3. Section 13902 of said code is repealed.

SEC. 4. Section 14306 of said code is amended to read:

14306. If the last day of a member's service was rendered prior to July 1, 1935, he shall have the right to make application for retirement, only after rendering additional service in a status requisite for membership in this system, of not less than two years, after June 30, 1950.

CHAPTER 783

An act to amend Section 273a of the Penal Code, relating to mistreatment of children.

[Approved by Governor June 5, 1963 Filed with Secretary of State June 5, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 273a of the Penal Code is amended to read:

273a. Any person who willfully causes or permits any child to suffer, or who inflicts thereon unjustifiable physical pain or mental suffering, and whoever, having the care or custody of any child, causes or permits the life or limb of such child to be endangered, or the health of such child to be injured, and any person who willfully causes or permits such child to be placed in such situation that its life or limb may be endangered, or its health likely to be injured, is punishable by imprisonment in the county jail not exceeding one year, or in the state prison for not less than one year nor more than 10 years.

CHAPTER 784

An act to amend Section 23985 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor June 5, 1963. Filed with Secretary of State June 5, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 23985 of the Business and Professions Code is amended to read:

23985. After filing an application to engage in the sale of any alcoholic beverage at any premises, notice of intention to so commence shall be posted in a conspicuous place at the entrance to the premises. The applicant shall notify the department of the date when such notice is first posted. No license shall be issued for the premises until the notice has been so posted for at least 30 consecutive days. The notice shall be in such form as the department shall prescribe.

Notice of the application for a license pursuant to Section 24044 shall be posted at the proposed premises after the application is filed and shall remain so posted for at least 30 consecutive days. The applicant shall notify the department of the date when such notice is first posted.

CHAPTER 785

An act to amend Sections 23825, 23954.6, and 24072.5 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor June 5, 1963 Filed with Secretary of State June 5, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 23825 of the Business and Professions Code is amended to read:

23825. As used in this article, "onsale general license" includes a special onsale general license; provided, that the limitation prescribed in Section 23816 shall not prohibit the exchange of an onsale general license for a special onsale general license, or the exchange of a special onsale general license for an onsale general license.

SEC. 2. Section 23954.6 of said code is amended to read:

23954.6. As used in Section 23954.5, "original onsale general license" includes an original special onsale general license; provided, that the fee prescribed in Section 23954.5 shall not be required in connection with the exchange of an onsale general license for a special onsale general license, or for the exchange of a special onsale general license for an onsale general license.

SEC. 3. Section 24072.5 of said code is amended to read:

24072.5. Any person who has any onsale general license may exchange his license for a special onsale general license and any person who has a special onsale general license may exchange his license for an onsale general license. Such exchange may be made at any time upon the approval of the department, the payment of an exchange fee of twenty-seven dollars and fifty cents ($27.50), and compliance with the provisions of this division relating to the issuance of an original license; provided, that the provisions of Sections 23985 and 23986 shall not apply to the exchange of an onsale general license for a special onsale general license.

CHAPTER 786

An act to amend Section 14256 of the Education Code, relating to state teachers' retirement.

[Approved by Governor June 5, 1963. Filed with Secretary of State June 5, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 14256 of the Education Code is amended to read:

14256. If the member at the time of death which occurs after September 30, 1959, was entitled to be credited with one or more years of service, and, if there has been a break in the member's employment of more than one year, one-half year of such service having been rendered after the end of the last such break, and on account of whose death the benefit provided by Section 14251 is payable (a) the surviving wife or surviving dependent husband of the member, who has the care of unmarried children, including dependent stepchildren, of the member who are under 18 years of age or are incapacitated because of a disability which began before and has continued without interruption after attainment of such age, or if there is no such spouse, then (b) the guardian of surviving unmarried children, including dependent stepchildren, of the member who are under 18 years of age or so incapacitated, if any, or if none, then (c) the surviving wife or surviving dependent husband of the member, who does not qualify under (a) of this paragraph, if any, or if none, then (d) each surviving parent of the member, shall be paid regardless of the beneficiary designated by the member under Section 14251, the following applicable survivor allowance, under the conditions stated and from contributions of the State:

(1) A widow, or a widower receiving at least one-half of his support from the member at the time of the member's death, and with respect to both widow and widower, who was married to such member prior to the occurrence of the injury

or onset of the illness which resulted in death, and has the care of unmarried children, including dependent stepchildren, of the deceased member under 18 years of age or so incapacitated, shall be paid one hundred eighty dollars ($180) per month if there is one such child, or two hundred fifty dollars ($250) per month if there are two or more such children. If there also are such children who are not in the care of the surviving spouse, the portion of the allowance payable under this paragraph assuming that these children were in the care of the surviving spouse, which is in excess of ninety dollars ($90) per month, shall be divided equally among all such children and payments made to the spouse and such other children, as the case may be.

(2) If there is no such surviving spouse, or if such surviving spouse dies or remarries and if there are unmarried children, including dependent stepchildren, of the deceased member under 18 years of age or so incapacitated, or if there are such children not in the care of the surviving spouse, such children shall be paid an allowance as follows:

(a) If there is only one such child, such child shall be paid ninety dollars ($90) per month;

(b) If there are two such children, such children shall be paid one hundred eighty dollars ($180) per month divided equally between them; and

(c) If there are three or more such children, such children shall be paid two hundred fifty dollars ($250) per month divided equally among them.

(3) A widow who has attained or attains the age of 62 years, or a widower who has attained or attains the age of 65 years and was receiving at least one-half of his support from the deceased member at the time of the member's death, and, with respect to both widow and widower, who was married to such member prior to the occurrence of the injury or onset of the illness which resulted in death, and has not remarried subsequent to the member's death, shall be paid ninety dollars ($90) per month. No allowance shall be paid under this paragraph while the surviving spouse is receiving an allowance under paragraph (1) of this section, or while an allowance is being paid under subparagraph (c), paragraph (2) of this section. The allowance paid under this paragraph shall be seventy dollars ($70) per month while an allowance is being paid under subparagraph (b), paragraph (2) of this section.

(4) If there is no surviving spouse, or surviving children who qualify for a survivor allowance, or if such surviving spouse dies or remarries, or if such children reach age 18 or die or marry prior thereto, or cease to be disabled after reaching such age, each of the member's dependent mother and father who has attained or attains the age of 62 or 65, respectively, and who received at least one-half of his support from the member at the time of the member's death, shall be paid ninety dollars ($90) per month.

CHAPTER 787

An act to amend Sections 31662.6 and 31663 of the Government Code, relating to County Employees Retirement Law.

[Approved by Governor June 5, 1963 Filed with Secretary of State June 5, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 31662 6 of the Government Code is amended to read:

31662.6. Two years after a retirement system established by this chapter becomes operative, a safety member except an elective officer, the sheriff and undersheriff, and the marshal of all of the municipal courts within the county, shall be retired as of the first day of the calendar month next succeeding that in which he attains age 60.

SEC 2. Section 31663 of the Government Code is amended to read:

31663. After January 1, 1954, or two years after a retirement system established by this chapter becomes operative, whichever is later, a sheriff who is a safety member and not elective, and an undersheriff, who is a safety member shall be retired as of the first day of the calendar month next succeeding that in which he attains age 70.

The marshal of all the municipal courts within the county who is a safety member shall be retired as of the first day of the calendar month next succeeding that in which he attains age 65.

CHAPTER 788

An act to amend Section 16066 of the Education Code, relating to leases of school district property.

[Approved by Governor June 5, 1963 Filed with Secretary of State June 5, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 16066 of the Education Code is amended to read:

16066. Notwithstanding any of the provisions of this article (commencing at Section 16051) to the contrary, the governing board of any school district may, with the approval of the Director of Finance, lease real property owned by the school district to the State Department of Education, to the Trustees of the California State Colleges, or to the Regents of the University of California upon such terms and conditions as may be agreed upon. The State Department of Education, the Trustees of the State Colleges, or the Regents of the University of California may enter into any agreement to lease real property pursuant to this section.

CHAPTER 789

An act to amend Section 1557 of the Penal Code, relating to expense of returning prisoners.

[Approved by Governor June 5, 1963 Filed with Secretary of State June 5, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 1557 of the Penal Code is amended to read:

1557. When the Governor of this State, in the exercise of the authority conferred by Section 2, Article IV, of the Constitution of the United States, or by the laws of this State, demands from the executive authority of any state of the United States, or of any foreign government, the surrender to the authorities of this State of a fugitive from justice, who has been found and arrested in such state or foreign government, the accounts of the person employed to bring back such fugitive, including any money paid by such person to the authorities of a sister state for statutory fees in connection with the detention and surrender of such fugitive and for the subsistence of the fugitive while detained by such sister state without payment of which, the authorities of such state refuse to surrender such fugitive, must be audited by the State Controller and paid out of the State Treasury; provided, however, that the State shall not pay the expenses of any such person so employed where the fugitive so returned is not so arraigned or placed on trial, that such expenses shall be a charge upon the county asking the requisition; provided further, that when a warrant has been issued by any magistrate after the filing of a complaint or the finding of an indictment and its presentation to the court and filing by the clerk, and the person named therein as defendant is a fugitive from justice, who has been found and arrested in any state of the United States or in any foreign government, the county auditor shall draw his warrant and the county treasurer shall pay to the person designated to return the fugitive, the amount of expenses estimated by the district attorney to be incurred in the return of such fugitive; provided further, that if the person designated to return the fugitive is a city officer, the city officer authorized to draw warrants on the city treasury shall draw his warrant and the city treasurer shall pay to such person the amount of expenses estimated by the district attorney to be incurred in the return of such fugitive; provided further, the person designated to return the fugitive shall make no disbursements from any such fund so advanced without a receipt being obtained therefor showing the amount, the purpose for which said sum is expended, place, date, and to whom paid.

Such receipts must be filed by such person with the county auditor or appropriate city officer or State Controller, as the case may be, together with an affidavit by such person that

the expenditures represented by said receipts were necessarily made in the performance of duty, and when such advance has been made by the county or city treasurer to the person designated to return the fugitive, and has thereafter been audited by the State Controller, the payment thereof shall be made by the State Treasurer to the county or city treasury, which has advanced the said funds; provided further, that when no advance has been made to the person designated to return the fugitive, the sums expended by him, when audited by the State Controller, shall be paid by the State Treasurer to the said person so designated. In every case where the expenses of such person so employed to bring back such fugitive as herein provided, are less than the amount advanced on the recommendation of the district attorney, such persons so employed to bring back such fugitive shall return to the county or city treasurer, as appropriate, the difference in amount between the aggregate amount of receipts so filed by him, as herein employed, and the amount advanced to such person upon the recommendation of the district attorney.

Any payments made out of the State Treasury pursuant to the provisions of this section shall be made from appropriations for the fiscal year in which such payments are made.

CHAPTER 790

An act to amend Section 24000 of the Education Code, relating to state colleges.

[Approved by Governor June 5, 1963 Filed with Secretary of State June 5, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 24000 of the Education Code is amended to read:

24000. The trustees may accept on behalf of the State any gift, bequest, devise, or donation of real or personal property whenever such gift and the terms and conditions thereof will aid in carrying out the primary functions of the state colleges as specified in Section 22606. Neither Section 11005 of the Government Code nor any other provision of law requiring approval by a state officer of gifts, bequests, devises, or donations shall apply to such gifts, bequests, devises, or donations. Such gifts, bequests, devises, or donations shall be annually reported to the Co-ordinating Council for Higher Education.

CHAPTER 791

An act to amend and renumber Section 10239.4 of, to add Article 6.5 (commencing with Section 10239) to Chapter 3 of Part 1 of Division 4 of, and to repeal Sections 10238.7, 10238.8, 10238 9, 10239, 10239.1, 10239.2, and 10239.3 of, the Business and Professions Code, relating to real estate transactions.

[Approved by Governor June 5, 1963. Filed with Secretary of State June 5, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 10238.7 of the Business and Professions Code is repealed.

SEC. 2. Section 10238.8 of said code is repealed.

SEC. 3. Section 10238 9 of said code is repealed.

SEC. 4. Section 10239 of said code is repealed.

SEC. 5. Section 10239 1 of said code is repealed.

SEC. 6. Section 10239.2 of said code is repealed.

SEC. 7. Section 10239.3 of said code is repealed.

SEC 8. Section 10239.4 of said code is amended and renumbered to read:

10238.7. Every person sustaining an injury resulting from a transaction subject to this article which was in violation of the provisions of the article may recover in a civil action against the real property securities dealer the amount of the damages with interest at 7 percent per annum from the date of the injury, and shall be entitled to be awarded a reasonable attorney's fee Any such action shall be brought within two (2) years from the date of the transaction or the date the injury was discovered, whichever is the later.

SEC. 9. Article 6.5 (commencing with Section 10239) is added to Chapter 3 of Part 1 of Division 4 of said code, to read:

Article 6 5. Real Property Securities Dealers: Conservatorship and Liquidation Proceedings

10239 The provisions of this article shall apply to all real property securities dealers, or persons purporting to act as real property security dealers in this State, or in the process of organization with intent to do such business therein, or from whom the commissioner's authority is required for the transaction of such business, or whose authority is revoked or suspended.

10239.1. The superior court of the county in which is located the principal office of such person in this State shall, upon the filing by the commissioner of the verified application showing any of the following conditions hereinafter enumerated to exist, issue its order vesting title to all of the assets of such person, wheresoever situated, in the commissioner or his

successor in office, in his official capacity as such, and direct the commissioner forthwith to take possession of all of its books, records, property, real and personal, and assets, and to conduct, as conservator, the business of said person, or so much thereof as to the commissioner may seem appropriate, and enjoining said person and its officers, directors, agents, servants, and employees from the transaction of its business or disposition of its property until further order of said court:

(a) That such person has refused to submit its books, papers, accounts, or affairs to the reasonable inspection of the commissioner or his deputy or examiner.

(b) That such person has neglected or refused to observe an order of the commissioner made pursuant to authority granted by this division.

(c) That such person, without first obtaining the consent in writing of the commissioner, has transferred, or attempted to transfer, substantially its entire property or business or, without such consent, has entered into any transaction the effect of which is to merge, consolidate, or reinsure substantially its entire property or business in or with the property or business of any other person.

(d) It appears to the commissioner that the dealer is in an unsafe condition or is conducting his business in an unsafe or injurious manner such as to render its further proceeding hazardous to the public or to any or all persons dealing with him.

(e) The dealer or any manager or any managing officer, partner, or managing representative or agent thereof refuses to be examined upon oath concerning the affairs of his business.

(f) The dealer or any officer or representative or agent of the dealer has embezzled, sequestered, or wrongfully diverted any of the assets of the dealer, or funds of others held in trust by the dealer.

(g) The commissioner finds that the dealer, after investigation, is insolvent in that assets are impaired to such an extent that they are inadequate to pay debts as they fall due in the general course of business or insolvent in that the aggregate of his business property subject to legal process without his consent, exclusive of property transferred, removed, concealed, or permitted to have been so done, shall not at a fair market value be sufficient in amount to pay all business debts.

10239.2. Said order shall continue in force and effect until, on the application either of the commissioner or of such person, it shall, after a full hearing, appear to said court that the ground for said order directing the commissioner to take title and possession does not exist or has been removed and that said person can properly resume title and possession of its property and the conduct of its business.

10239.3. Whenever it appears to the commissioner that any of the conditions set forth in Section 10239.1 exist or that irreparable loss and injury to the property and business of a

person specified in Section 10239.1 when performing any of the acts specified in Article 6 (commencing with Section 10237) of this chapter has occurred or may occur unless the commissioner so act immediately, the commissioner, without notice and before applying to the court for any order, forthwith shall take possession of the property, business, books, records and accounts of such person, and of the offices and premises occupied by it for the transaction of its business, and retain possession subject to the order of the court. Any person having possession of and refusing to deliver any of the books, records or assets of a person against whom a seizure order has been issued by the commissioner, shall be guilty of a misdemeanor and punishable by fine not exceeding one thousand dollars ($1,000) or imprisonment not exceeding one year, or both such fine and imprisonment.

10239.4. Whenever the commissioner makes any seizure as provided in Section 10239.3, it shall, on the demand of the commissioner, be the duty of the sheriff of any county of this State, and of the police department of any municipal corporation therein, to furnish him with such deputies, patrolmen or officers as may be necessary to assist the commissioner in making and enforcing any such seizure.

10239.5. Immediately after such seizure, the commissioner shall institute a proceeding as provided for in Section 10239.1 and thereafter shall proceed in accordance with the provisions of this article.

10239.6. If at any time after the issuance of an order under Section 10239.1, or if at the time of instituting any proceeding under this article, it shall appear to the commissioner that it would be futile to proceed as conservator with the conduct of the business of such person, he may apply to the court for an order to liquidate and wind up the business of said person. Upon a full hearing of such application, the court may make an order directing the winding up and liquidation of the business of such person by the commissioner, as liquidator, for the purpose of carrying out the order to liquidate and wind up the business of such person.

10239.7. In his application for an order for the liquidation of a domestic corporation, or at any time thereafter, the commissioner may apply for, and the court shall make an order dissolving such corporation.

10239.8. The recording in the office of a county recorder of any county in the State of an order entered pursuant to Sections 10239.1, 10239.6, or 10239.7 shall impart the same notice that would be imparted by the recordation of a deed, bill of sale or other evidence of title duly executed by such person.

10239.9. Upon the issuance of an order of liquidation under Section 10239.6, the rights and liabilities of any such person and of creditors, policyholders, shareholders and members, and all other persons interested in its assets, including the State of California, shall, unless otherwise directed by the

court, be fixed as of the date of the entry of the order in the office of the clerk of the county wherein the application was made.

10239.10. Upon the issuance of an order either under Sections 10239.1 or 10239.6, or at any time thereafter, the court shall issue such other injunctions or orders as may be deemed necessary to prevent any or all of the following occurrences:

(a) Interference with the commissioner or the proceeding.

(b) Waste of assets of such persons.

(c) The institution or prosecution of any actions or proceedings.

(d) The obtaining of preferences, judgments, attachments, or other liens against such person or its assets.

(e) The making of any levy against any such person or its assets.

(f) The sale or deed for nonpayment of taxes or assessments levied by any taxing agency of property:

(1) Owned by such person.

(2) Upon which such person holds an encumbrance.

(3) Upon which such person has prior thereto commenced an action to foreclose any deed of trust or mortgage or has exercised the power of sale under any trust deed or mortgage which sale or foreclosure proceedings have not yet been completed or upon which no trustee's deed or judgment of court or sheriff's certificate of sale has been issued. "Taxing agency," as used in this section, has the meaning ascribed to it by Section 121 of the Revenue and Taxation Code. The injunctions or orders authorized by this subdivision may be modified, dissolved or rescinded by the court on motion of the commissioner, the State Controller, the person charged with the collection of taxes or assessments on such property, or any person beneficially interested in the property. The recording in the office of the county recorder of this section, shall constitute service of such order or injunction upon any taxing agency with respect to property or interests therein located in such county.

10239.11. Upon the making of an order to liquidate the business of such person, the commissioner shall cause to be published notice to its policyholders, creditors, shareholders, and all other persons interested in its assets. Such notice shall require claimants to file their claims with the commissioner, together with proper proofs thereof, within six months after the date of first publication of such notice, in the manner specified in this article.

10239.12. Such notice shall be published in a newspaper of general circulation, published in the county in which the proceeding is pending, not less than once a week for four successive weeks. A copy of the notice, accompanied by an affidavit of due publication, including a statement of the date of first publication, shall be filed with the clerk of the court.

10239.13. A claim shall set forth, under oath, on the form prescribed by the commissioner:

(a) The particulars thereof, and the consideration therefor.

(b) Whether said claim is secured or unsecured, and, if secured, the nature and amount of such security.

(c) The payments, if any, made thereon.

(d) That the sum claimed is justly owing from such person to the claimant.

(e) That there is no offset to the claim.

(f) Such other data or supporting documents as the commissioner requires.

10239.14. Unless such claim is filed in the manner and within the time provided in Section 10239.11, it shall not be entitled to filing or allowance, and no action may be maintained thereon. In the liquidation, pursuant to the provisions of this article, the commissioner shall, within 30 days after the last day set for the filing of claims, make a list of the persons who have not filed proofs of claim with him and to whom, according to the books of said dealer, there are amounts owing, and he shall set opposite the name of each person the amount so owing to such person. Each person whose name shall appear upon said list shall be deemed to have duly filed, prior to the last day set for the filing of claims, a claim for the amount set opposite his name on said list.

10239.15. Claims founded upon unliquidated or undetermined demands must be filed within the time limit provided in this article for the filing of claims, but claims founded upon such demands shall not share in any distribution to creditors of a person proceeded against under Section 10239.6 until such claims have been definitely determined, proved and allowed. Thereafter, such claims shall share ratably with other claims of the same class in all subsequent distributions.

An unliquidated or undetermined claim or demand within the meaning of this article shall be deemed to be any such claim or demand upon which a right of action has accrued at the date of the order of liquidation and upon which the liability has not been determined the amount thereof liquidated.

10239.16. A claim of a secured claimant shall not be allowed in a sum greater than the excess over the value of the security of the amount for which the claim would be allowable if unsecured, unless the claimant surrenders the security to the liquidator. Upon such surrender the claim may be allowed in the full amount for which it is valued.

10239.17. The value of the security to be credited upon such claim shall be determined by an appraiser appointed by the liquidator and approved by the court. Such claimant shall elect to accept the security or to release it to the liquidator.

10239.18. In all cases of mutual debts or mutual credits between the person in liquidation under Section 10239.6 and any other person, such credits and debts shall be set off and the balance only shall be allowed or paid, but no setoff shall

be allowed in favor of such other person where any of the following facts exist:

(a) The obligation of the person in liquidation to such other person does not entitle such other person claiming such setoff to share as a claimant in the assets of such person in liquidation.

(b) The obligation of the person in liquidation to such other person was purchased by, or transferred to, such other person.

(c) The obligation of such other person to the person in liquidation is to pay an assessment levied against such other person or to pay a balance upon a subscription for shares of the capital stock of the person in liquidation.

10239.19. When a claim is rejected by the commissioner, written notice of rejection shall be given by mail, addressed to the claimant at the address set forth in his claim. Within 30 days after the mailing of the notice the claimant may apply to the court in which the liquidation proceeding is pending for an order to show cause why the claim should not be allowed.

10239.20. Claims allowed in a proceeding under this article shall be given preference in the following order:

(a) Expense of administration.

(b) Taxes due to the State of California.

(c) Claims having preference by the laws of the United States and by laws of this State.

(d) All other claims.

Upon the issuance of an order appointing a conservator or liquidator for any person under the provisions of either Sections 10239.1 or 10239.6 or both such sections, the lien of taxes due to the State of California imposed by Article 4 (commencing with Section 12491) of Chapter 4 of Part 7 of Division 2 of the Revenue and Taxation Code shall become subordinate to the reasonable administrative expenses of the proceeding under said order.

10239 21. After the issuance of an order of liquidation under Section 10239 6, any of the following transactions occurring within four months prior to the application for such order shall be voidable by the commissioner if such transaction has the effect of giving to or enabling any creditor of such person to obtain a preference over any other creditor of the same class, or a greater percentage of his debt than any other creditor of the same class:

(a) A transfer of property of such person.

(b) The creation of a lien on the property of such person.

(c) The suffering of a judgment against such person.

10239.22. In any proceeding under this article, the commissioner shall have the power to appoint and employ under his hand and official seal, special deputy commissioners, as his agents, and to employ such clerks and assistants and to give to each of them such power as may by him be deemed necessary. The compensation of special deputy commissioners, clerks and assistants appointed to carry out the provisions of this

article, and all expenses of taking possession, of conserving, conducting, liquidating, disposing of or otherwise dealing with the business and property of such person under this article, shall be fixed by the commissioner, subject to the approval of the court, and shall be paid out of the assets of such person. In the event the property of such person does not contain cash or liquid assets sufficient to defray the cost of the services required to be performed under the terms of this article, the commissioner may at any time or from time to time pay the cost of such services out of the appropriation for the maintenance of the State Real Estate Division. Any amounts so paid shall be deemed expense of administration and shall be repaid to said fund out of the first available moneys in the estate.

10239.23. The Attorney General shall have the power to appoint and employ such legal counsel as may by him be deemed necessary to assist the commissioner in the performance of his duties under this article. The compensation of such legal counsel shall be fixed by the Attorney General, subject to the approval of the court, and shall be paid out of the assets of the person against whom the commissioner has proceeded under this article.

10239.24. Upon taking possession of the property and business of any person in any proceeding under this article, the commissioner, exclusively and except as otherwise expressly provided by this article, either as conservator or liquidator:

(a) Shall have authority to collect all moneys due such person, and to do such other acts as are necessary or expedient to collect, conserve or protect its assets, property and business, and to carry on and conduct the business and affairs of any such person or so much thereof as to him may seem appropriate.

(b) Shall collect all debts due and claims belonging to said person, and shall have the authority to sell, compound, compromise or assign, for the purpose of collection upon such terms and conditions as he deems best, any bad or doubtful debts.

(c) Shall have authority to compound, compromise or in any other manner negotiate settlements of claims against such person upon such terms and conditions as he shall deem to be most advantageous to the estate of the person being administered or liquidated or otherwise dealt with under this article.

(d) Shall have authority without notice, to acquire, hypothecate, encumber, lease, improve, sell, transfer, abandon or otherwise dispose of or deal with, any real or personal property of any such person at its reasonable market value, or, in cases other than acquisition, sale or transfer on the basis of reasonable market value, upon such terms and conditions as he may deem proper; provided, however, that no transaction involving real or personal property shall be made where the market value of the property involved exceeds the sum of one thousand dollars ($1,000) without first obtaining permission of said court, and then only in accordance with such terms as said court may prescribe.

(e) Shall have authority to transfer to a trustee or trustees, under a voting trust agreement, the stock of a dealer heretofore or hereafter issued to him as conservator or as liquidator in connection with a rehabilitation agreement, or any other proceeding under this article. Such voting trust agreement shall confer upon the trustee or trustees the right to vote or otherwise represent such stock, and shall not be irrevocable for a period of more than twenty-one (21) years.

(f) May, for the purpose of executing and performing any of the powers and authority conferred upon him under this article, in the name of the person affected by the proceeding or in his own name, prosecute and defend any and all suits and other legal proceedings, and execute, acknowledge and deliver any and all deeds, assignments, releases and other instruments necessary and proper to effectuate any sale of any real and personal property or other transaction in connection with the administration, liquidation, or other disposition of the assets of the person affected by such proceeding; and any deed or other instrument executed pursuant to the authority hereby given shall be valid and effectual for all purposes as though the same had been executed by the person affected by any proceeding under this article or by its officers pursuant to the direction of its governing board or authority. In cases where any real property sold by the commissioner under this article is located in a county other than the county wherein the proceeding is pending, the commissioner shall cause a certified copy of the order of his appointment, or order authorizing or ratifying the sale, to be filed in the office of the county recorder of the county in which said property is located.

(g) Shall have authority to invest and reinvest, in such manner as he may deem suitable for the best interests of the creditors of such person, such person, such portions of the funds and assets of such person in his possession, and which funds and assets are not immediately distributable to creditors; provided, however, that no such investment or reinvestment shall be made which exceeds the sum of one thousand dollars ($1,000) without first obtaining permission of said court, and then only in accordance with such terms as said court may prescribe.

(h) Within six months after taking possession of the property and business of any dealer, the commissioner may terminate or adopt any executory contract to which the dealer may be a party including leases of real or personal property. Claims for damages resulting from the termination of any such contract or lease may be filed and allowed, but no claim of a landlord for damages resulting from the rejection of an unexpired lease of real property or under any covenant of such lease shall be allowed in an amount greater than due under the lease for a period of one year following the surrender of the premises.

The enumeration, in this article, of duties, powers and authority of the commissioner in proceedings under this article

shall not be construed as a limitation upon the commissioner, nor shall it exclude in any manner his right to perform and to do such other acts not herein specifically enumerated, or otherwise provided for, which he may deem necessary or expedient for the accomplishment or in aid of the purpose of such proceedings.

10239.25. Any application under Sections 10239.1 or 10239.6 shall be served upon the person named in such application in the manner prescribed by law for personal service of summons or as provided by Section 10239.26.

10239.26. In lieu of the service required by Section 10239.25, service may, upon application to said court, be made in such manner as the court directs whenever it is satisfactorily shown by affidavit (a) in the case of a corporation, that the officers of the corporation upon whom service is required to be made as above provided, have departed from the State or keep themselves concealed therein with intent to avoid the service, or, (b) in the case of a natural person, that the natural person upon whom service is required to be made as above provided, has departed from the State or keeps himself concealed therein with intent to avoid the service.

10239 27. At any time after an order is made under Sections 10239.1 or 10239.6, the commissioner may remove the principal office of the person proceeded against to the City and County of San Francisco or to the City of Los Angeles. In event of such removal, the court wherein the proceeding was commenced shall, upon the application of the commissioner, direct its clerk to transmit all of the papers filed therein with such clerk to the Clerk of the City and County of San Francisco or of the County of Los Angeles as the case may require. The proceeding shall thereafter be conducted in the same manner as though it had been commenced in the county to which it had been transferred.

10239.28. The commissioner shall be the custodian of all moneys collected by him or coming into his possession in the course of any proceeding under this article, but he may deposit such moneys, or any part thereof, in a bank approved by said court.

10239.29. The commissioner and a special deputy commissioner appointed pursuant to Section 10239.22 shall have the power to subpoena witnesses and examine them under oath upon any subject relating to the affairs and business of any person affected by proceedings under this article. The penalties provided in Chapter 2 (commencing with Section 1985), Title 3 of Part 4 of the Code of Civil Procedure shall apply to any witness who fails or refuses to appear in accordance with such subpoena, or to testify in connection therewith.

10239.30. Whenever money or other property is payable to any claimant out of the assets of any person under the provisions of Sections 10239 11 or 10239 20, but such person cannot be located or for any other reason the payment of such

money or other property to such person cannot be made, although assets are available for such payment, such money or other property shall be deposited in the State Treasury by the commissioner under the provisions of Chapter 7 (commencing with Section 1500) of Title 10 of Part 3 of the Code of Civil Procedure, and shall be subject to claim or other disposition as provided in said Chapter 7 of Title 10. The commissioner may pay over the money or other property held by him to the persons respectively entitled thereto at any time prior to such deposit, upon being furnished satisfactory evidence of their right to the same.

10239.31. In all proceedings under this article, the commissioner shall be deemed to be a trustee for the benefit of all creditors and other persons interested in the estate of the person against whom the proceedings are pending.

10239.32. In any proceeding pending under the provisions of this article, the court in which such proceeding is pending shall have jurisdiction to hear and determine, in such proceeding, all actions or proceedings then pending or thereafter instituted by or against the person affected by a proceeding under this article.

10239.33. The commissioner, in the performance of any of his duties under this article, shall be deemed to be a public officer acting in his official capacity on behalf of the State, and the provisions of Chapter 2 (commencing with Section 6100) of Division 7 of Title 1 of the Government Code shall apply to him.

10239.34. The commissioner shall transmit to the Governor an annual report showing:

(a) The names of the persons proceeded against under this article.

(b) Whether such persons have resumed business or have been liquidated.

(c) Such other facts as will acquaint the Governor, the investors, creditors, shareholders and the public with his proceedings under this article.

10239.35. In verification of the matters set forth in Section 10239.34, the commissioner shall annually examine his books and accounts relating to all proceedings under this article and Part 1 (commencing with Section 10000) of Divsion 4 of this code, and shall file a report of each such examination with the court in which the respective proceeding is pending. The expense of examining and experting the books and accounts of the commissioner as conservator or liquidator under this article or under Part 1 (commencing with Section 10000) of Division 4 of this code shall be paid out of the Real Estate Fund in the State Treasury and shall, upon order of the court or courts before which the proceedings under said articles are pending, be ratably reimbursed to said Real Estate Fund out of the assets of the estates administered by the commissioner as conservator or liquidator under this article or under Part 1 (commencing with Section 10000) of Division 4 of this code.

CHAPTER 792

An act to add Section 16750.1 to the Business and Professions Code, relating to restraint of trade.

[Approved by Governor June 5, 1963. Filed with Secretary of State June 5, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 16750.1 is added to the Business and Professions Code, to read:

16750.1. Any action to enforce any cause of action pursuant to Section 16750 shall be commenced within four years after the cause of action accrued. No cause of action barred under existing law on the effective date of this section shall be revived by its enactment.

CHAPTER 793

An act to repeal Section 16721 of the Business and Professions Code, relating to unlawful trust certificates.

[Approved by Governor June 5, 1963. Filed with Secretary of State June 5, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 16721 of the Business and Professions Code is repealed.

CHAPTER 794

An act to add Section 31648.6 to the Government Code, relating to retirement benefits of elective officers.

[Approved by Governor June 5, 1963. Filed with Secretary of State June 5, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 31648.6 is added to the Government Code, to read:

31648.6. Any elective officer whose term of office expires at a time when the total period of his incumbency divided into months results in a fractional month greater than 20 days shall be deemed to have rendered service sufficient to receive credit for a full month provided that such officer contributes to the retirement association prior to the receipt of the first payment of his retirement allowance the contributions required for that month.

CHAPTER 795

An act to amend Section 11002 of the Education Code, relating to length of schoolday in the public school system.

[Approved by Governor June 5, 1963 Filed with Secretary of State June 5, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 11002 of the Education Code is amended to read:

11002. No pupil in a kindergarten shall be kept in school in any day more than four hours exclusive of recesses.

CHAPTER 796

An act to amend Section 11166.12 of the Health and Safety Code, relating to narcotic prescriptions.

[Approved by Governor June 5, 1963 Filed with Secretary of State June 5, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 11166.12 of the Health and Safety Code is amended to read:

11166.12. The provisions of this code with reference to the writing of narcotic prescriptions on official triplicate blanks and the filling thereof do not apply to any of the following:

(a) Codeine, dihydrohydroxycodeinone, or dihydrocodeinone combined with other nonnarcotic medicinal ingredients.

(b) Codeine in combination with any of the narcotic drugs mentioned in this section, with the exception of dihydrocodeinone or dihydrohydroxycodeinone.

(c) Preparations containing not more than two grains of opium to the fluid or avoirdupois ounce combined with other nonnarcotic medicinal ingredients except codeine.

(d) Apomorphine hydrochloride.

(e) Ethylmorphine hydrochloride.

(f) Papaverine hydrochloride.

(g) Noscapine (formerly narcotine).

(h) Pharmaceutical preparations in solid or liquid form containing not more than $2\frac{1}{2}$ milligrams diphenoxylate and not less than 25 micrograms atropine sulfate per dosage unit.

Any of the combinations mentioned in the above subsections may be dispensed upon an oral prescription which must be reduced to writing within twenty-four (24) hours, by the pharmacist. The name and address of the person for whom prescribed and the name, address, telephone number and registered number of the prescriber must be recorded on the prescription.

CHAPTER 797

An act to amend Sections 5183 and 5186 of the Welfare and Institutions Code, relating to the public guardian.

[Approved by Governor June 5, 1963. Filed with Secretary of State June 5, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 5183 of the Welfare and Institutions Code is amended to read:

5183. All funds coming into the custody of the public guardian shall be deposited in the county treasury and disbursed by proper warrant, or shall be deposited in one or more banks or invested in one or more insured savings and loan associations authorized to do business within the county and withdrawn only upon an order of the public guardian, countersigned by a judge of the superior court. In counties having a population of over 270,000, such withdrawals need not be countersigned by a judge of the superior court.

SEC. 2. Section 5186 of said code is amended to read:

5186. Upon the death of the ward or other termination of the guardianship, the public guardian shall have a claim against the ward's estate for his reasonable expenses incurred in the execution of the guardianship, and such compensation for his services and those of his attorney as the court in which his accounts are settled deems just and reasonable.

CHAPTER 798

An act to amend Section 16755 of the Business and Professions Code, relating to restraint of trade.

[Approved by Governor June 5, 1963. Filed with Secretary of State June 5, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 16755 of the Business and Professions Code is amended to read:

16755. (a) Any violation of this chapter is a conspiracy against trade, and any person who engages in any such conspiracy or takes part therein, or aids or advises in its commission, or who as principal, manager, director, agent, servant or employee, or in any other capacity, knowingly carries out any of the stipulations, purposes, prices, rates, or furnishes any information to assist in carrying out such purposes, or orders thereunder or in pursuance thereof, is punishable by a fine of not less than five hundred dollars ($500) nor more than

fifty thousand dollars ($50,000) or by imprisonment for not more than one year, or by both such fine and imprisonment.

(b) Any action pursuant to this section may be commenced at any time within three years after the commission of the last act comprising a part of any violation.

CHAPTER 799

An act to add Section 2469 to the Education Code, relating to school districts.

[Approved by Governor June 5, 1963. Filed with Secretary of State June 5, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 2469 is added to the Education Code, to read:

2469. All or part of the territory of a union elementary school district which is not wholly included in a high school district may be included in a contiguous high school district upon petition of the governing board of the union elementary district to the board of supervisors of the county in which all the high school district is wholly situated, or, if the high school district is a joint district, to the board of supervisors of the county whose county superintendent of schools has jurisdiction over the joint high school district.

The board of supervisors shall make an order to include the territory of the union elementary district in such high school district. Upon the making of the order, the change of boundaries of the high school district to include such territory shall be deemed to be completed and effective in accordance with Sections 1601 and 1603.

A copy of the order of the board of supervisors, certified by the clerk of the board, shall be recorded in the office of the county recorder of each county in which the district whose boundaries are changed is situated.

After the expiration of one year from the date of the recording of the order, the order shall be conclusive evidence that the boundaries have legally been changed and no suit shall be maintained which questions the validity of the change of boundaries.

CHAPTER 800

An act to amend Section 925 of the Penal Code, relating to grand juries.

[Approved by Governor June 5, 1963. Filed with Secretary of State June 5, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 925 of the Penal Code is amended to read:

925. The grand jury shall annually make a careful and complete examination of the accounts and records, especially those pertaining to revenue, of all the officers of the county, and report as to the facts it has found, with such recommendations as it may deem proper and fit.

CHAPTER 801

An act to add Section 653m to the Penal Code, relating to telephone calls.

[Approved by Governor June 5, 1963. Filed with Secretary of State June 5, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 653m is added to the Penal Code, to read:

653m. (a) Every person who with intent to annoy telephones another and addresses to or about such other person any obscene language or addresses to such other person any threat to inflict injury to the person or property of the person addressed or any member of his family, is guilty of a misdemeanor.

(b) Every person who makes a telephone call with intent to annoy another and without disclosing his true identity to the person answering the telephone is, whether or not conversation ensues from making the telephone call, guilty of a misdemeanor.

(c) Any offense committed by use of a telephone as herein set out may be deemed to have been committed at either the place at which the telephone call or calls were made or at the place where the telephone call or calls were received.

CHAPTER 802

An act to amend Section 40504 of the Vehicle Code, relating to signing the written notice to appear.

[Approved by Governor June 5, 1963. Filed with Secretary of State June 5, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 40504 of the Vehicle Code is amended to read:

40504. (a) The officer shall deliver one copy of the notice to appear to the arrested person and the arrested person in order to secure release must give his written promise to appear in court or before a person authorized to receive a deposit of bail by signing two copies of the notice which shall be retained by the officer. Thereupon the arresting officer shall forthwith release the person arrested from custody.

(b) Any person who signs a written promise to appear with a false or fictitious name is guilty of a misdemeanor regardless of the disposition of the charge upon which he was originally arrested.

CHAPTER 803

An act to add Sections 1328a, 1328b and 1328c to the Penal Code, relating to subpoenas in criminal proceedings.

[Approved by Governor June 5, 1963. Filed with Secretary of State, June 5, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 1328a is added to the Penal Code, to read:

1328a. A telegraphic copy of a subpoena for a witness in a criminal proceeding may be sent by telegraph or teletype to one or more peace officers, and such copy is as effectual in the hands of any officer, and he must proceed in the same manner under it, as though he held the original subpoena issued.

SEC. 2. Section 1328b is added to said code, to read:

1328b. Every officer causing telegraphic copies of subpoenas to be sent, must certify as correct, and file in the telegraph office from which such copies are sent, a copy of the subpoena, and must return the original with a statement of his action thereunder.

SEC. 3. Section 1328c is added to said code, to read:

1328c. A peace officer must serve in his county or city any subpoena delivered to him by telegraph or teletype for service and must without delay make a return of the service by telegraph or teletype. Any officer making a return of service of

a subpoena by telegraph or teletype must certify as to his actions in making the service and file in the telegraph office from which the return is sent a written statement with his signature in the same form as the return on an original subpoena. The service of a teletype subpoena is made by showing the original teletype to the witness personally and informing him of its contents and delivering to him a copy of the teletype.

CHAPTER 804

An act to amend Section 22655 of the Vehicle Code, relating to impounding vehicles.

[Approved by Governor June 5, 1963. Filed with Secretary of State June 5, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 22655 of the Vehicle Code is amended to read:

22655. When any member of the California Highway Patrol, or any regularly employed and salaried officer of a police department in a city, or sheriff's department authorized to enforce the provisions of this code pursuant to Section 26613 of the Government Code, has reasonable cause to believe that a motor vehicle on a highway has been involved in a hit-and-run accident, and the operator of the vehicle has failed to stop and comply with the provisions of Sections 20003, through 20007, inclusive, the officer may remove the vehicle from the highway for the purpose of inspection. Unless sooner released, the vehicle shall be released upon the expiration of 24 hours after such removal from the highway upon demand of the owner.

CHAPTER 805

An act to amend Sections 11013.1 and 11013.4 of the Business and Professions Code, relating to subdivided lands.

[Approved by Governor June 5, 1963. Filed with Secretary of State June 5, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 11013.1 of the Business and Professions Code is amended to read:

11013.1. It shall be unlawful, except as provided in Section 11013.2, for the owner or subdivider to sell or lease lots or parcels within a subdivision that is subject to a blanket encumbrance unless there exists in such blanket encumbrance or other supplementary agreement a provision, hereinafter re-

ferred to as a release clause, which by its terms shall unconditionally provide that the purchaser or lessee of a lot or parcel can obtain legal title or other interest contracted for, free and clear of such blanket encumbrance, upon compliance with the terms and conditions of the purchase or lease.

SEC. 2. Section 11013.4 of said code is amended to read:

11013.4. If a subdivision is not subject to a blanket encumbrance, as defined in Section 11013, it shall be unlawful for the owner or subdivider to sell or lease lots or parcels within a subdivision unless one of the following conditions is complied with:

(a) The entire sum of money paid or advanced by the purchaser or lessee of any such lot or parcel, or such portion thereof as the commissioner shall determine is sufficient to protect the interest of the purchaser or lessee, shall be deposited into an escrow depository acceptable to the commissioner or into a trust account acceptable to the commissioner to be held in such escrow depository or trust account until the legal title or other interest contracted for, whether it be title of record or other interest, is delivered to such purchaser or lessee or until (1) either the owner or subdivider or the purchaser or lessee may default under their contract of sale or lease and a determination is made as to the disposition of such moneys; or (2) the owner or subdivider orders the return of such moneys to such purchaser or lessee.

(b) A bond to the State of California is furnished to the commissioner for the benefit and protection of purchasers or lessees of such lots or parcels, in such amount and subject to such terms as may be approved by the commissioner, which shall provide for the return of the moneys paid or advanced by any purchaser or lessee, for or on account of the purchase or lease of any such lot or parcel in the event that the owner or subdivider does not, within the time specified in his contract to sell or lease, or any extension thereof, deliver the legal title or other interest contracted for, whether it be title of record, or other interest, to such purchaser or lessee for any reason other than an uncured default of such purchaser or lessee.

(c) An association, approved by the commissioner, files with the commissioner a certificate in which it certifies that the owner or subdivider is a member of such association and that there is on file with the commissioner a bond, of the kind specified in subdivision (b) of this section, which has been approved by the commissioner as to amount, terms and coverage, and which is for the benefit and protection of all purchasers and lessees of subdivided lots or parcels to be sold or leased by members of such association (all which the commissioner may, at his option, verify or require to be verified). The commissioner may also, from time to time, require an increase in the amount of such bond as a condition to the continued applicability of the provisions of this subdivision to such association and its members or permit a decrease in the amount thereof.

(d) Proof, satisfactory to the commissioner, is furnished: (1) that such bonds or deposits, as provided or contemplated to be filed or made pursuant to the provisions of Articles 8 and 9 of Chapter 2, Part 2, Division 4 of this code, have been filed or made in such amounts as the commissioner shall approve, or that the filing or making of such bonds or deposits are unnecessary; and (2) that a lien and completion bond or bonds, approved by the commissioner as to amount, terms and coverage and including within its scope all onsite construction work to be undertaken on such lots or parcels, has been written and issued by a corporate surety company authorized to do such business in this State; provided, however, that this subdivision shall apply only to an owner or subdivider who proposes to sell or lease such lots or parcels with improvements thereon in the nature of residential structures.

(e) The entire sums of moneys paid or advanced by the purchasers or lessees of such lots or parcels, or such portion thereof as the commissioner shall determine is sufficient to protect the interest of the purchaser or lessee, shall be deposited into an escrow depository or other agency, acceptable to the commissioner, to be held, in whole or in part, by such escrow depository or other agency as provided by subdivision (a) of this section, or, at the election of the owner or subdivider, to be disbursed, in whole or in part, for the construction of residential or other structures to be built on such lots or parcels within said subdivision, or such unit or units thereof as the commissioner shall determine, in such manner and pursuant to such instructions as the commissioner shall approve; provided, however, that the provisions of this subdivision shall apply only to an owner or subdivider who proposes to sell or lease such lots or parcels with improvements thereon in the nature of residential structures.

(f) There is conformance to such other alternative requirement or method which the commissioner may deem acceptable to carry into effect the intent and provisions of this part.

SEC. 3. It is the intent of the Legislature in enacting this act to implement the recommendations contained in Volume 15, Number 25 of the Preliminary Report of the Assembly Interim Committee on Finance and Insurance, March 27, 1962.

CHAPTER 806

An act to amend Section 43.7 of the Civil Code, relating to personal rights.

[Approved by Governor June 5, 1963. Filed with Secretary of State June 5, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 43.7 of the Civil Code is amended to read:

43.7. There shall be no monetary liability on the part of, and no cause of action for damages shall arise against, any member of a duly appointed committee of a state or local professional society, or duly appointed member of a committee of a medical staff of a licensed hospital (provided the medical staff operates pursuant to written bylaws that have been approved by the governing board of the hospital), for any act or proceeding undertaken or performed within the scope of the functions of any such committee which is formed to maintain the professional standards of the society established by its bylaws, if such committee member acts without malice, has made a reasonable effort to obtain the facts of the matter as to which he acts, and acts in reasonable belief that the action taken by him is warranted by the facts known to him after such reasonable effort to obtain facts. "Professional society" includes legal, medical, psychological, dental, accounting, optometric, and engineering organizations having as members at least a majority of the eligible licentiates in the area served by the particular society. The provisions of this section do not affect the official immunity of an officer or employee of a public corporation.

This section shall not be construed to confer immunity from liability on any professional society or hospital. In any case in which, but for the enactment of the preceding provisions of this section, a cause of action would arise against a hospital or professional society, such cause of action shall exist as if the preceding provisions of this section had not been enacted.

CHAPTER 807

An act to amend Section 20802 of the Education Code, relating to junior colleges.

[Approved by Governor June 5, 1963. Filed with Secretary of State June 5, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 20802 of the Education Code is amended to read:

20802. The maximum rate of tax of any junior college district and of any unified school district maintaining a junior college is hereby increased by such amount as will produce the amount proposed to be expended by the district pursuant to any interdistrict attendance agreement and is hereby increased by such amount as will produce the amount proposed to be expended by the district pursuant to any lease agreement for plant and equipment as shown by the budget as finally adopted by the governing board of the district for the current fiscal year, less any unencumbered balances remaining at the end of

the preceding fiscal year derived from the increase in the rate of tax provided by this section.

The increase provided by this section shall not exceed the rate of tax levied in the county pursuant to Section 20202 during the fiscal year next preceding the formation of the district for all purposes, or ten cents ($0.10) per each one hundred dollars ($100) of the assessed value of the property within the district, whichever is the greater.

If the district is situated in two or more counties, the increase provided by this section shall not exceed the highest rate of tax levied in any of the counties in which the district is situated pursuant to Section 20202 during the fiscal year next preceding the formation of the district for all purposes, or ten cents ($0.10) per each one hundred dollars ($100) of the assessed value of property within the district, whichever is the greater.

If at the end of any school year there remains an unencumbered balance derived from the revenue of the increase in tax rate hereby provided, such balance shall be used exclusively in the following school year for the payment of any obligation incurred under the terms of an interdistrict attendance agreement for such school year.

Any junior college district or unified school district maintaining a junior college which became effective for all purposes on or after July 1, 1956, shall be deemed, for the purposes of this section except the last paragraph of this section, to have been effective for all purposes on July 1, 1958.

The increase provided by this section to produce the amount proposed to be expended pursuant to this section shall remain in effect until the end of the third consecutive fiscal year following the date of the first election at which the first district bond issue for junior college purposes is passed, or until the end of any four-year period in which no bond issue is submitted to voters.

CHAPTER 808

An act to amend Section 23426 of the Business and Professions Code, relating to club licenses.

[Approved by Governor June 5, 1963 Filed with Secretary of State June 5, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 23426 of the Business and Professions Code is amended to read:

23426. For the purposes of this article "club" also means any golf club which has more than 100 bona fide members, which owns, maintains, or operates a regular golf links together with a clubhouse thereon, and which has operated the establishment for not less than one year; or any swimming and

tennis club which maintains a standard AAU swimming pool and not less than two regulation tennis courts, together with the necessary facilities and clubhouse, which has 200 members or more paying regular monthly dues, and which has been in existence for not less than two years; or any swimming club which maintains a standard AAU swimming pool and not less than two regulation tennis courts, together with the necessary facilities and clubhouse, or any tennis club which maintains not less than five regulation tennis courts, together with the necessary facilities and clubhouse, and which swimming club or tennis club has 200 members or more paying regular monthly dues and which has been in existence for not less than two years.

CHAPTER 809

An act to amend Sections 261, 283 and 851 of the Probate Code, relating to publication of notices of hearings, relating to estates.

[Approved by Governor June 5, 1963 Filed with Secretary of State June 5, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 261 of the Probate Code is amended to read:

261. The clerk of the court must, prior to the day so appointed, publish notice pursuant to Section 6063a of the Government Code in some newspaper published in the county, stating that such petition will be heard at the courtroom of the court at the time appointed for the hearing. The court may direct further notice of the application to be given in such manner and to such persons as it may deem proper.

SEC. 2. Section 283 of said code is amended to read:

283. Notice of hearing the petition for administration or probate of the last will of the missing person shall be published in the form of similar notices of hearing in the administration of estates of deceased persons, pursuant to Section 6064 of the Government Code, the first publication to be at least three calendar months prior to the day set for the hearing of said petition; and in addition, within 20 days after the filing of the petition, copies of the notice shall be sent by registered mail to each person named in the petition as heir at law, next of kin, devisee and legatee, and to the last known address of such missing person; and proof by affidavit of such publication and such mailing shall be filed at or prior to the hearing.

SEC. 3. Section 851 of said code is amended to read:

851. The executor or administrator or any person claiming to be entitled to such conveyance or transfer may file with the clerk of the court a verified petition, setting forth the facts upon which the claim is predicated. Thereupon the clerk shall set the petition for hearing by the court, and notice thereof

shall be served on the executor or administrator personally when he is not the petitioner, and shall be published pursuant to Government Code Section 6063a before the hearing, in a newspaper published in the county where the proceedings are pending, or, if there is no such newspaper, then, in lieu of publication, three written or printed notices of the hearing shall be posted at three of the most public places in the county at least 10 days before the hearing; but if such contract was recorded before the death of the person executing it, notice of the hearing may be given by serving such notice on the executor or administrator personally, when he is not the petitioner, and posting a copy of the notice at the courthouse of the county in which the proceedings are pending, for at least 10 days prior to the hearing.

CHAPTER 810

An act to add Section 1862.5 to the Civil Code, relating to unclaimed property.

[Approved by Governor June 5, 1963. Filed with Secretary of State June 5, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 1862.5 is added to the Civil Code, to read:

1862.5. Whenever any personal property has heretofore been found in or deposited with, or is hereafter found in or deposited with any licensed hospital and has remained or shall remain unclaimed for a period of 180 days following the departure of the owner from the hospital, such hospital may proceed to sell the same at public auction, and out of the proceeds of such sale may retain the charges for storage, if any, the reasonable expenses of sale thereof and all sums due the hospital from the last known owner. No such sale shall be made until the expiration of four weeks from the time written notice of such sale is given to the last known owner. Said notice shall contain a description of each item of personal property to be sold, the name of the last owner, the name of the hospital and the time and place of sale and may be sent by regular mail, postage prepaid, to the last known owner at his last known address. In case there should be any balance from such sale after the deductions herein provided for, and such balance shall not be claimed by the rightful owner or his legal representative within one week of said sale, the same shall be paid into the treasury of the county wherein said hospital is located; and if the same be not claimed by the owner thereof, or his legal representative within one year thereafter, the same shall be paid into the general fund of said county.

Proceedings in substantial compliance with this section shall exonerate the hospital from any liability for property so sold. This section shall not be construed as limiting or in any way amending any other provision of law limiting the liabilities of any licensed hospital.

CHAPTER 811

An act to amend Section 6401 of the Education Code, relating to attendance at junior colleges of 12th-grade students.

[Approved by Governor June 5, 1963 Filed with Secretary of State June 5, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 6401 of the Education Code is amended to read:

6401. The governing board of any district maintaining a high school with grades 11 and 12 may determine which of the students in the 12th grade of the high school would benefit from advanced scholastic or vocational work. The governing board may authorize such students to attend a junior college as special part-time students and to undertake one or more courses of instruction offered at the junior college level. The number of students so authorized shall not exceed 15 percent of the number of students in the 12th grade at the high school at any one time.

CHAPTER 812

An act to add Section 17041.5 to the Revenue and Taxation Code, relating to powers of municipalities to levy and collect income taxes.

[Approved by Governor June 7, 1963. Filed with Secretary of State June 7, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 17041.5 is added to the Revenue and Taxation Code, to read:

17041.5. Notwithstanding any statute, ordinance, regulation, rule or decision to the contrary, no city, county, city and county, governmental subdivision, district, public and quasi-public corporation, municipal corporation, whether incorporated or not or whether chartered or not, shall levy or collect or cause to be levied or collected any tax upon the income, or any part thereof, of any person, resident or nonresident.

This section shall not be construed so as to prohibit the levy or collection of any otherwise authorized license tax upon a business measured by or according to gross receipts.

This section shall remain in effect until the 91st day after the final adjournment of the 1965 Regular Session of the Legislature.

CHAPTER 813

An act to add Sections 6463 and 6464 to the Public Resources Code, relating to tide and submerged lands.

[Approved by Governor June 7, 1963. Filed with Secretary of State June 7, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 6463 is added to the Public Resources Code, to read:

6463. Any person or persons claiming title under a patent of tideland, issued by the State of California, may bring suit against the State, or against the State with others, in accordance with law in any court of competent jurisdiction of the State, to quiet title or otherwise determine the validity of such patent or establish boundaries of the land granted thereby or both, and may prosecute the action to final judgment. Service of summons on the State in any such suit shall be made in the manner provided in Section 6462 of this code. If judgment is given against the State in any such action or proceeding, no costs shall be recovered from the State thereunder.

SEC. 2. Section 6464 is added to said code, to read:

6464. Any person or persons claiming title to land adjoining tide or submerged land, herein called "adjoining land," under a patent issued by the United States of America or the State of California, may bring suit against the State, or against the State with others, in accordance with law in any court of competent jurisdiction of the State, to fix and determine the boundary between said adjoining land and the tide or submerged land which it adjoins, and may prosecute the action to final judgment. Service of summons on the State in any such suit shall be made in the manner as provided in Section 6462 of this code. If judgment is given against the State in any such action or proceeding, no costs shall be recovered from the State thereunder.

CHAPTER 814

An act to amend Section 1624 of the Civil Code and Section 1973 of the Code of Civil Procedure, relating to the statute of frauds.

[Approved by Governor June 7, 1963. Filed with Secretary of State June 7, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 1624 of the Civil Code is amended to read:

1624. The following contracts are invalid, unless the same, or some note or memorandum thereof, is in writing and subscribed by the party to be charged or by his agent:

1. An agreement that by its terms is not to be performed within a year from the making thereof;

2. A special promise to answer for the debt, default, or miscarriage of another, except in the cases provided for in Section 2794;

3. An agreement made upon consideration of marriage other than a mutual promise to marry;

4. An agreement for the leasing for a longer period than one year, or for the sale of real property, or of an interest therein; and such agreement, if made by an agent of the party sought to be charged, is invalid, unless the authority of the agent is in writing, subscribed by the party sought to be charged;

5. An agreement authorizing or employing an agent or broker to purchase or sell real estate, or to lease real estate for a longer period than one year, or to procure, introduce, or find a purchaser or seller of real estate or a lessee or lessor of real estate where such lease is for a longer period than one year, for compensation or a commission;

6. An agreement which by its terms is not to be performed during the lifetime of the promisor, or an agreement to devise or bequeath any property, or to make any provision for any person by will;

7. An agreement by a purchaser of real property to pay an indebtedness secured by a mortgage or deed of trust upon the property purchased, unless assumption of said indebtedness by the purchaser is specifically provided for in the conveyance of such property.

SEC. 2. Section 1973 of the Code of Civil Procedure is amended to read:

1973. In the following cases the agreement is invalid, unless the same or some note or memorandum thereof be in writing, and subscribed by the party charged, or by his agent. Evidence, therefore, of the agreement, cannot be received without the writing or secondary evidence of its contents:

1. An agreement that by its terms is not to be performed within a year from the making thereof;

2. A special promise to answer for the debt, default, or miscarriage of another, except in the cases provided for in Section 2794 of the Civil Code;

3. An agreement made upon consideration of marriage other than a mutual promise to marry;

4. An agreement for the leasing for a longer period than one year, or for the sale of real property, or of an interest therein; and such agreement, if made by an agent of the party sought to be charged, is invalid, unless the authority of the agent is in writing, subscribed by the party sought to be charged;

5. An agreement authorizing or employing an agent or broker to purchase or sell real estate, or to lease real estate for a longer period than one year, or to procure, introduce, or find a purchaser or seller of real estate or a lessee or lessor of real estate where such lease is for a longer period than one year, for compensation or a commission;

6. An agreement which by its terms is not to be performed during the lifetime of the promisor, or an agreement to devise or bequeath any property, or to make any provision for any person by will;

7. An agreement by a purchaser of real property to pay an indebtedness secured by a mortgage or deed of trust upon the property purchased, unless assumption of said indebtedness by the purchaser is specifically provided for in the conveyance of such property.

CHAPTER 815

An act to add Sections 405.1, 405.2, 405.3, 405.4, 405.5 and 405.6 to the Probate Code, relating to administration of estates of decedents.

[Approved by Governor June 7, 1963. Filed with Secretary of State June 7, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 405.1 is added to the Probate Code, to read:

405.1. Qualification by a nonresident of the State as an executor, or removal from and residence without the State by an executor who was formerly a resident, is equivalent to and shall constitute an appointment by such executor of the Secretary of State to be his true and lawful attorney, upon whom may be served all lawful processes in any action or proceeding against such executor with respect to the estate or founded upon or arising out of any of his acts or omissions as such executor, which appointment shall also be irrevocable and binding upon his executor or administrator.

SEC. 2. Section 405.2 is added to said code, to read:

405.2. Any nonresident executor, or any executor who removes from and resides without the State, shall file in the proceedings relating to the estate of the decedent an original statement signed and acknowledged by such executor, setting forth his permanent address, and if said permanent address be changed, then such executor shall forthwith file in a like manner an original statement of such change of address.

SEC. 3. Section 405.3 is added to said code, to read:

405.3. Service of process shall be made by delivering to and leaving with the Secretary of State by the plaintiff or his attorney in any action or proceeding against the executor, a copy of the statement filed by the executor under the provisions of Section 405.2, and two copies of the summons and complaint. The Secretary of State shall forthwith mail by registered mail one copy of said summons and complaint to the executor at his permanent address as shown in said statement delivered to the Secretary of State. Personal service of such process upon the executor wherever found outside the State shall be the equivalent of service as herein in this section provided.

SEC. 4. Section 405 4 is added to said code, to read:

405.4. Proof of compliance with Section 405.3 shall be made in the event of service by mail by certificate of the Secretary of State, under his official seal, showing said mailing. Such certificate shall be filed with the court from out of which such summons issued. In the event of personal service outside this State, such compliance may be proved by the return of any duly constituted public officer, qualified to serve like process of and in the state or jurisdiction where the executor is found, showing such service to have been made. Such return shall be appended to the original summons which shall be filed as aforesaid.

SEC. 5. Section 405.5 is added to said code, to read:

405.5. Service made under Section 405.3 shall have the same legal force and validity as if service had been made personally in this State; provided, however, that the executor may appear and answer the complaint within 30 days from the date of service.

SEC 6. Section 405.6 is added to said code, to read:

405.6. Failure by an executor to comply with the provisions of Section 405.2 shall be cause for removal.

CHAPTER 816

An act to amend Section 22652 of the Vehicle Code, relating to removal of vehicles.

[Approved by Governor June 7, 1963. Filed with Secretary of State June 7, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 22652 of the Vehicle Code is amended to read:

22652. In addition, an officer mentioned in Section 22651 may remove a vehicle from a highway under the following circumstances:

(a) When a vehicle is parked or left standing upon a highway for 72 or more consecutive hours in violation of a local ordinance authorizing removal.

(b) When a vehicle is illegally parked on a highway in violation of local ordinance forbidding standing or parking and the use of a highway or a portion thereof is necessary for the cleaning, repair, or construction of the highway or for the installation of underground utilities, and signs giving notice that such vehicle may be removed are erected or placed at least 24 hours prior to the removal by local authorities pursuant to ordinance; or

(c) Where the use of the highway or any portion thereof is authorized by local authorities for a purpose other than the normal flow of traffic; or for the movement of equipment, articles or structures of unusual size; and the parking of such vehicle would prohibit or interfere with such use or movement and signs, giving notice that such vehicle may be removed, are erected or placed at least 24 hours prior to the removal by local authorities pursuant to ordinance.

(d) Where any vehicle is parked or left standing when local authorities by resolution or ordinance have prohibited such parking and have authorized the removal by ordinance. No vehicle may be removed unless signs are posted giving notice of the removal.

CHAPTER 817

An act to amend Section 69506 of the Government Code, relating to expenses of superior court judges.

[Approved by Governor June 7, 1963. Filed with Secretary of State June 7, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 69506 of the Government Code is amended to read:

69506. When authorized by the board of supervisors, judges of the superior court shall be allowed necessary expenses incurred in connection with making inspections of state agencies and institutions to which they are authorized to commit persons or to which persons appearing before them may be transferred or assigned. The expenses incurred in making such investigations are a charge against the treasury of the county and shall be paid out of the general fund.

CHAPTER 818

An act to amend Sections 31681.2, 31681.4, 31739, and 31739.2 of the Government Code, relating to county employees' retirement.

[Approved by Governor June 7, 1963. Filed with Secretary of State June 7, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 31681.2 of the Government Code is amended to read:

31681.2. Every retirement allowance payable for time commencing on the effective date of this section to or on account of any member of this system or of a superseded system, who was retired prior to January 1, 1948, is hereby increased by twenty-five dollars ($25) per month if the retired member is entitled to be credited with 20 years or more of service, or, if the retired member is entitled to be credited with less than 20 years of service, by an amount which bears the same ratio to twenty-five dollars ($25) as the member's completed years of service with which the member is entitled to be credited bears to 20 years.

This section shall not be operative in any county until such time as the board of supervisors shall, by resolution adopted by majority vote, make the provisions of this section applicable in such county.

SEC. 2. Section 31681.4 of the Government Code is amended to read:

31681.4. Every retirement allowance for time commencing on the effective date of this section to or on account of any member of this system or of a superseded system, who was retired or died on or after January 1, 1948 but prior to February 1, 1955, or such other date prior to February 1, 1955, as the board of supervisors in any county shall specify by resolution, is hereby increased by twenty-five dollars ($25) per month if the retired member is entitled to be credited with 20 years or more of service, or, if the retired member is entitled to be credited with less than 20 years of service, by an amount which bears the same ratio to twenty-five dollars ($25) as the member's completed years of service with which the member is entitled to be credited bears to 20 years.

This section shall not be operative in any county until such time as the board of supervisors shall, by resolution adopted by majority vote, make the provisions of this section applicable in such county.

SEC. 3. Section 31739 of the Government Code is amended to read:

31739. Every retirement allowance payable for time commencing on the effective date of this section to or on account of any member of this system or of a superseded system, who was retired for disability prior to January 1, 1948, is hereby increased by twenty-five dollars ($25) per month if the retired member is entitled to be credited with 20 years or more of service, or, if the retired member is entitled to be credited with less than 20 years of service, by an amount which bears the same ratio to twenty-five dollars ($25) as the member's completed years of service with which the member is entitled to be credited bears to 20 years.

This section shall not be operative in any county until such time as the board of supervisors shall, by resolution adopted by majority vote, make the provisions of this section applicable in such county.

SEC. 4. Section 31739 2 of the Government Code is amended to read:

31739.2. Every retirement allowance for time commencing on the effective date of this section to or on account of any member of this system or of a superseded system, who was retired for disability on or after January 1, 1948, but prior to February 1, 1955, or such other date prior to February 1, 1955, as the board of supervisors in any county shall specify by resolution, is hereby increased by twenty-five dollars ($25) per month if the retired member is entitled to be credited with 20 years or more of service, or, if the retired member is entitled to be credited with less than 20 years of service, by an amount which bears the same ratio to twenty-five dollars ($25) as the member's completed years of service with which the member is entitled to be credited bears to 20 years.

This section shall not be operative in any county until such time as the board of supervisors shall, by resolution adopted by majority vote, make the provisions of this section applicable in such county.

SEC. 5. If, prior to the effective date of this act, any one or more of the sections of the Government Code amended by this act have become operative in any county, then the amendment to such section or sections made by this act shall not become operative in such county until such time as the board of supervisors of such county, by resolution adopted by majority vote, shall make the provisions of such section or sections, as amended by this act, applicable in such county. Prior to the adoption of such a resolution, the provisions of such section or sections as they read prior to their amendment by this act shall remain operative in such county.

CHAPTER 819

An act to establish a Commercial Code, thereby consolidating and revising the law relating to certain commercial transactions in or regarding personal property and contracts and other documents concerning them, including sales, commercial paper, bank deposits and collections, letters of credit, bulk transfers, warehouse receipts, bills of lading, other documents of title, investment securities, and secured transactions, including certain sales of accounts, chattel paper, and contract rights; providing for public notice to third parties in certain circumstances; regulating procedure, evidence and damages in certain court actions involving such transactions, contracts or documents; to make uniform the law with respect thereto; amending various sections of the Civil Code, Code of Civil Procedure, Corporations Code, Financial Code and Vehicle Code, to make them consistent therewith; adding Chapter 12.5 (commencing with Section 560) to Title 13 of Part 1 of the Penal Code, relating to crimes involving bailments; and repealing legislation inconsistent therewith.

[Approved by Governor June 8, 1963. Filed with Secretary of State June 8, 1963.]

The people of the State of California do enact as follows:

SECTION 1. The Commercial Code is enacted, to read:

COMMERCIAL CODE

DIVISION 1. GENERAL PROVISIONS

CHAPTER 1. SHORT TITLE, CONSTRUCTION, APPLICATION AND SUBJECT MATTER OF THE CODE

1101. This code shall be known and may be cited as Uniform Commercial Code.

1102. (1) This code shall be liberally construed and applied to promote its underlying purposes and policies.

(2) Underlying purposes and policies of this code are

(a) To simplify, clarify and modernize the law governing commercial transactions;

(b) To permit the continued expansion of commercial practices through custom, usage and agreement of the parties;

(c) To make uniform the law among the various jurisdictions.

(3) The effect of provisions of this code may be varied by agreement, except as otherwise provided in this code and except that the obligations of good faith, diligence, reasonableness and care prescribed by this code may not be disclaimed by agreement but the parties may by agreement determine the

standards by which the performance of such obligations is to be measured if such standards are not manifestly unreasonable.

(4) The presence in certain provisions of this code of the words "unless otherwise agreed" or words of similar import does not imply that the effect of other provisions may not be varied by agreement under subdivision (3).

(5) In this code unless the context otherwise requires

(a) Words in the singular number include the plural, and in the plural include the singular;

(b) Words of the masculine gender include the feminine and the neuter, and when the sense so indicates words of the neuter gender may refer to any gender.

1103. Unless displaced by the particular provisions of this code, the principles of law and equity, including the law merchant and the law relative to capacity to contract, principal and agent, estoppel, fraud, misrepresentation, duress, coercion, mistake, bankruptcy, or other validating or invalidating cause shall supplement its provisions.

1104. This code being a general act intended as a unified coverage of its subject matter, no part of it shall be deemed to be impliedly repealed by subsequent legislation if such construction can reasonably be avoided.

1105. (1) Except as provided hereafter in this section, when a transaction bears a reasonable relation to this State and also to another state or nation the parties may agree that the law either of this State or of such other state or nation shall govern their rights and duties. Failing such agreement this code applies to transactions bearing an appropriate relation to this State.

(2) Where one of the following provisions of this code specifies the applicable law, that provision governs and a contrary agreement is effective only to the extent permitted by the law (including the conflict of laws rules) so specified:

Rights of creditors against sold goods. Section 2402.

Applicability of the division on bank deposits and collections. Section 4102.

Bulk transfers subject to the division on bulk transfers. Section 6102.

Applicability of the division on investment securities. Section 8106.

Policy and scope of the division on secured transactions. Sections 9102 and 9103.

1106. (1) The remedies provided by this code shall be liberally administered to the end that the aggrieved party may be put in as good a position as if the other party had fully performed but neither consequential or special nor penal damages may be had except as specifically provided in this code or by other rule of law.

(2) Any right or obligation declared by this code is enforceable by action unless the provision declaring it specifies a different and limited effect.

1107. Any claim or right arising out of an alleged breach can be discharged in whole or in part without consideration by a written waiver or renunciation signed and delivered by the aggrieved party.

1108. If any provision or clause of this code or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the code which can be given effect without the invalid provision or application, and to this end the provisions of this code are declared to be severable.

CHAPTER 2. GENERAL DEFINITIONS AND PRINCIPLES OF INTERPRETATION

1201. Subject to additional definitions contained in the subsequent divisions of this code which are applicable to specific divisions or chapters thereof, and unless the context otherwise requires, in this code:

(1) "Action" in the sense of a judicial proceeding includes recoupment, counterclaim, setoff, suit in equity and any other proceedings in which rights are determined.

(2) "Aggrieved party" means a party entitled to resort to a remedy.

(3) "Agreement" means the bargain of the parties in fact as found in their language or by implication from other circumstances including course of dealing or usage of trade or course of performance as provided in this code (Sections 1205 and 2208). Whether an agreement has legal consequences is determined by the provisions of this code, if applicable; otherwise by the law of contracts (Section 1103). (Compare "contract.")

(4) "Bank" means any person engaged in the business of banking.

(5) "Bearer" means the person in possession of an instrument, document of title, or security payable to bearer or indorsed in blank.

(6) "Bill of lading" means a document evidencing the receipt of goods for shipment issued by a person engaged in the business of transporting or forwarding goods, and which, by its terms, evidences the intention of the issuer that the person entitled under the document (Section 7403 (4)) has the right to receive, hold and dispose of the document and the goods it covers. Designation of a document by the issuer as a "bill of lading" is conclusive evidence of such intention. "Bill of lading" includes an airbill. "Airbill" means a document serving for air transportation as a bill of lading does for marine or rail transportation, and includes an air consignment note or air waybill.

(7) "Branch" includes a separately incorporated foreign branch of a bank.

(8) "Burden of establishing" a fact means the burden of persuading the triers of fact that the existence of the fact is more probable than its nonexistence.

(9) "Buyer in ordinary course of business" means a person who in good faith and without knowledge that the sale to him is in violation of the ownership rights or security interest of a third party in the goods buys in ordinary course from a person in the business of selling goods of that kind but does not include a pawnbroker. "Buying" may be for cash or by exchange of other property or on secured or unsecured credit and includes receiving goods or documents of title under a preexisting contract for sale but does not include a transfer in bulk or as security for or in total or partial satisfaction of a money debt.

(10) "Conspicuous." A term or clause is conspicuous when it is so written that a reasonable person against whom it is to operate ought to have noticed it. A printed heading in capitals (as: NONNEGOTIABLE BILL OF LADING) is conspicuous. Language in the body of a form is "conspicuous" if it is in larger or other contrasting type or color. But in a telegram any stated term is "conspicuous." Whether a term or clause is "conspicuous" or not is for decision by the court.

(11) "Contract" means the total legal obligation which results from the parties' agreement as affected by this code and any other applicable rules of law. (Compare "agreement.")

(12) "Creditor" includes a general creditor, a secured creditor, a lien creditor and any representative of creditors, including an assignee for the benefit of creditors, a trustee in bankruptcy, a receiver in equity and an executor or administrator of an insolvent debtor's or assignor's estate.

(13) "Defendant" includes a person in the position of defendant in a cross-action or counterclaim.

(14) "Delivery" with respect to instruments, documents of title, chattel paper or securities means voluntary transfer of possession.

(15) "Document of title" includes bill of lading, dock warrant, dock receipt, warehouse receipt, gin ticket, compress receipt, and also any other document which in the regular course of business or financing is treated as adequately evidencing that the person entitled under the document (Section 7403 (4)) has the right to receive, hold and dispose of the document and the goods it covers To be a document of title a document must purport to be issued by a bailee and purport to cover goods in the bailee's possession which are either identified or are fungible portions of an identified mass.

(16) "Fault" means wrongful act, omission or breach.

(17) "Fungible" with respect to goods or securities means goods or securities of which any unit is, by nature or usage of trade, the equivalent of any other like unit.

(18) "Genuine" means free of forgery or counterfeiting.

(19) "Good faith" means honesty in fact in the conduct or transaction concerned.

(20) "Holder" means a person who is in possession of a document of title or an instrument or an investment security drawn, issued or indorsed to him or to his order or to bearer or in blank.

(21) To "honor" is to pay or to accept and pay, or where a credit so engages to purchase or discount a draft complying with the terms of the credit.

(22) "Insolvency proceedings" includes any assignment for the benefit of creditors or other proceedings intended to liquidate or rehabilitate the estate of the person involved..

(23) A person is "insolvent" who either has ceased to pay his debts in the ordinary course of business or cannot pay his debts as they become due or is insolvent within the meaning of the federal bankruptcy law.

(24) "Money" means a medium of exchange authorized or adopted by a domestic or foreign government as a part of its currency.

(25) A person has "notice" of a fact when

(a) He has actual knowledge of it; or

(b) He has received a notice or notification of it; or

(c) From all the facts and circumstances known to him at the time in question he has reason to know that it exists.

A person "knows" or has "knowledge" of a fact when he has actual knowledge of it. "Discover" or "learn" or a word or phrase of similar import refers to knowledge rather than to reason to know. The time and circumstances under which a notice or notification may cease to be effective are not determined by this code.

(26) A person "notifies" or "gives" a notice or notification to another by taking such steps as may be reasonably required to inform the other in ordinary course whether or not such other actually comes to know of it. A person "receives" a notice or notification when

(a) It comes to his attention; or

(b) It is duly delivered at the place of business through which the contract was made or at any other place held out by him as the place for receipt of such communications.

(27) Notice, knowledge or a notice or notification received by an organization is effective for a particular transaction from the time when it is brought to the attention of the individual conducting that transaction, and in any event from the time when it would have been brought to his attention if the organization had exercised due diligence. An organization exercises due diligence if it maintains reasonable routines for communicating significant information to the person conducting the transaction and there is reasonable compliance with the routines. Due diligence does not require an individual acting for the organization to communicate information unless such communication is part of his regular duties or unless he has reason to know of the transaction and that the transaction would be materially affected by the information.

(28) "Organization" includes a corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, two or more persons having a joint or common interest, or any other legal or commercial entity.

(29) "Party," as distinct from "third party," means a person who has engaged in a transaction or made an agreement within this division.

(30) "Person" includes an individual or an organization. (See Section 1102.)

(32) "Purchase" includes taking by sale, discount, negotiation, mortgage, pledge, lien, issue or reissue, gift or any other voluntary transaction creating an interest in property.

(33) "Purchaser" means a person who takes by purchase.

(34) "Remedy" means any remedial right to which an aggrieved party is entitled with or without resort to a tribunal.

(35) "Representative" includes an agent, an officer of a corporation or association, and a trustee, executor or administrator of an estate, or any other person empowered to act for another.

(36) "Rights" includes remedies.

(37) "Security interest" means an interest in personal property or fixtures which secures payment or performance of an obligation. The retention or reservation of title by a seller of goods notwithstanding shipment or delivery to the buyer (Section 2401) is limited in effect to a reservation of a "security interest." The term also includes any interest of a buyer of accounts, chattel paper, or contract rights which is subject to Division 9. The special property interest of a buyer of goods on identification of such goods to a contract for sale under Section 2501 is not a "security interest," but a buyer may also acquire a "security interest" by complying with Division 9. Unless a lease or consignment is intended as security, reservation of title thereunder is not a "security interest" but a consignment is in any event subject to the provisions on consignment sales (Section 2326). Whether a lease is intended as security is to be determined by the facts of each case; however, (a) the inclusion of an option to purchase does not of itself make the lease one intended for security, and (b) an agreement that upon compliance with the terms of the lease the lessee shall become or has the option to become the owner of the property for no additional consideration or for a nominal consideration does make the lease one intended for security.

(38) "Send" in connection with any writing or notice means to deposit in the mail or deliver for transmission by any other usual means of communication with postage or cost of transmission provided for and properly addressed and in the case of an instrument to an address specified thereon or otherwise agreed, or if there be none to any address reasonable under the circumstances. The receipt of any writing or notice within the time at which it would have arrived if properly sent has the effect of a proper sending.

(39) "Signed" includes any symbol executed or adopted by a party with present intention to authenticate a writing.

(40) "Surety" includes guarantor.

(41) "Telegram" includes a message transmitted by radio, teletype, cable, any mechanical method of transmission, or the like.

(42) "Term" means that portion of an agreement which relates to a particular matter.

(43) "Unauthorized" signature or indorsement means one made without actual, implied or apparent authority and includes a forgery.

(44) "Value." Except as otherwise provided with respect to negotiable instruments and bank collections (Sections 3303, 4208 and 4209) a person gives "value" for rights if he acquires them

(a) In return for a binding commitment to extend credit or for the extension of immediately available credit whether or not drawn upon and whether or not a chargeback is provided for in the event of difficulties in collection; or

(b) As security for or in total or partial satisfaction of a pre-existing claim; or

(c) By accepting delivery pursuant to a pre-existing contract for purchase; or

(d) Generally, in return for any consideration sufficient to support a simple contract.

(45) "Warehouse receipt" means a document evidencing the receipt of goods for storage issued by a warehouseman (Section 7102), and which, by its terms, evidences the intention of the issuer that the person entitled under the document (Section 7403(4)) has the right to receive, hold and dispose of the document and the goods it covers. Designation of a document by the issuer as a "warehouse receipt" is conclusive evidence of such intention.

(46) "Written" or "writing" includes printing, typewriting or any other intentional reduction to tangible form.

1202. A document in due form purporting to be a bill of lading, policy or certificate of insurance, official weigher's or inspector's certificate, consular invoice, or any other document authorized or required by the contract to be issued by a third party shall be prima facie evidence of its own authenticity and genuineness and of the facts stated in the document by the third party.

1203. Every contract or duty within this code imposes an obligation of good faith in its performance or enforcement.

1204. (1) Whenever this code requires any action to be taken within a reasonable time, any time which is not manifestly unreasonable may be fixed by agreement.

(2) What is a reasonable time for taking any action depends on the nature, purpose and circumstances of such action.

(3) An action is taken "seasonably" when it is taken at or within the time agreed or if no time is agreed at or within a reasonable time.

1205. (1) A course of dealing is a sequence of previous conduct between the parties to a particular transaction which is fairly to be regarded as establishing a common basis of understanding for interpreting their expressions and other conduct.

(2) A usage of trade is any practice or method of dealing having such regularity of observance in a place, vocation or trade as to justify an expectation that it will be observed with respect to the transaction in question. The existence and scope of such a usage are to be proved as facts. If it is established that such a usage is embodied in a written trade code or similar writing the interpretation of the writing is for the court.

(3) A course of dealing between parties and any usage of trade in the vocation or trade in which they are engaged or of which they are or should be aware give particular meaning to and supplement or qualify terms of an agreement.

(4) The express terms of an agreement and an applicable course of dealing or usage of trade shall be construed wherever reasonable as consistent with each other; but when such construction is unreasonable express terms control both course of dealing and usage of trade and course of dealing controls usage of trade.

(5) An applicable usage of trade in the place where any part of performance is to occur shall be used in interpreting the agreement as to that part of the performance.

(6) Evidence of a relevant usage of trade offered by one party is not admissible unless and until he has given the other party such notice as the court finds sufficient to prevent unfair surprise to the latter.

1206. (1) Except in the cases described in subdivision (2) of this section a contract for the sale of personal property is not enforceable by way of action or defense beyond five thousand dollars ($5,000) in amount or value of remedy unless there is some writing which indicates that a contract for sale has been made between the parties at a defined or stated price, reasonably identifies the subject matter, and is signed by the party against whom enforcement is sought or by his authorized agent.

(2) Subdivision (1) of this section does not apply to contracts for the sale of goods (Section 2201) nor of securities (Section 8319) nor to security agreements (Section 9203).

1207. A party who with explicit reservation of rights performs or promises performance or assents to performance in a manner demanded or offered by the other party does not thereby prejudice the rights reserved. Such words as "without prejudice," "under protest" or the like are sufficient.

1208. A term providing that one party or his successor in interest may accelerate payment or performance or require collateral or additional collateral "at will" or "when he deems himself insecure" or in words of similar import shall be construed to mean that he shall have power to do so only if he

in good faith believes that the prospect of payment or performance is impaired. The burden of establishing lack of good faith is on the party against whom the power has been exercised.

DIVISION 2. SALES

CHAPTER 1. SHORT TITLE, GENERAL CONSTRUCTION AND SUBJECT MATTER

2101. This division shall be known and may be cited as Uniform Commercial Code—Sales.

2102. Unless the context otherwise requires, this division applies to transactions in goods; it does not apply to any transaction which although in the form of an unconditional contract to sell or present sale is intended to operate only as a security transaction nor does this division impair or repeal any statute regulating sales to consumers, farmers or other specified classes of buyers.

2103. (1) In this division unless the context otherwise requires

(a) "Buyer" means a person who buys or contracts to buy goods.

(b) "Good faith" in the case of a merchant means honesty in fact and the observance of reasonable commercial standards of fair dealing in the trade.

(c) "Receipt" of goods means taking physical possession of them.

(d) "Seller" means a person who sells or contracts to sell goods.

(2) Other definitions applying to this division or to specified chapters thereof, and the sections in which they appear are:

"Acceptance." Section 2606.
"Banker's credit." Section 2325.
"Between merchants." Section 2104.
"Cancellation." Section 2106(4).
"Commercial unit." Section 2105.
"Confirmed credit." Section 2325.
"Conforming to contract." Section 2106
"Contract for sale." Section 2106.
"Cover." Section 2712.
"Entrusting." Section 2403.
"Financing agency." Section 2104.
"Future goods." Section 2105.
"Goods." Section 2105.
"Identification." Section 2501.
"Installment contract." Section 2612.
"Letter of Credit." Section 2325.
"Lot." Section 2105.
"Merchant." Section 2104.
"Overseas." Section 2323.
"Person in position of seller." Section 2707.
"Present sale." Section 2106.

"Sale." Section 2106.
"Sale on approval." Section 2326.
"Sale or return." Section 2326.
"Termination." Section 2106.

(3) The following definitions in other divisions apply to this division:
"Check." Section 3104.
"Consignee." Section 7102.
"Consignor." Section 7102.
"Consumer goods." Section 9109.
"Dishonor." Section 3507.
"Draft." Section 3104.

(4) In addition Division 1 contains general definitions and principles of construction and interpretation applicable throughout this division.

2104. (1) "Merchant" means a person who deals in goods of the kind or otherwise by his occupation holds himself out as having knowledge or skill peculiar to the practices or goods involved in the transaction or to whom such knowledge or skill may be attributed by his employment of an agent or broker or other intermediary who by his occupation holds himself out as having such knowledge or skill.

(2) "Financing agency" means a bank, finance company or other person who in the ordinary course of business makes advances against goods or documents of title or who by arrangement with either the seller or the buyer intervenes in ordinary course to make or collect payment due or claimed under the contract for sale, as by purchasing or paying the seller's draft or making advances against it or by merely taking it for collection whether or not documents of title accompany the draft. "Financing agency" includes also a bank or other person who similarly intervenes between persons who are in the position of seller and buyer in respect to the goods (Section 2707).

(3) "Between merchants" means in any transaction with respect to which both parties are chargeable with the knowledge or skill of merchants.

2105. (1) "Goods" means all things (including specially manufactured goods) which are movable at the time of identification to the contract for sale other than the money in which the price is to be paid, investment securities (Division 8) and things in action. "Goods" also includes the unborn young of animals and growing crops and other identified things attached to realty as described in the section on goods to be severed from realty (Section 2107).

(2) Goods must be both existing and identified before any interest in them can pass. Goods which are not both existing and identified are "future" goods. A purported present sale of future goods or of any interest therein operates as a contract to sell.

(3) There may be a sale of a part interest in existing identified goods.

(4) An undivided share in an identified bulk of fungible goods is sufficiently identified to be sold although the quantity of the bulk is not determined. Any agreed proportion of such a bulk or any quantity thereof agreed upon by number, weight or other measure may to the extent of the seller's interest in the bulk be sold to the buyer who then becomes an owner in common.

(5) "Lot" means a parcel or a single article which is the subject matter of a separate sale or delivery, whether or not it is sufficient to perform the contract.

(6) "Commercial unit" means such a unit of goods as by commercial usage is a single whole for purposes of sale and division of which materially impairs its character or value on the market or in use. A commercial unit may be a single article (as a machine) or a set of articles (as a suite of furniture or an assortment of sizes) or a quantity (as a bale, gross, or carload) or any other unit treated in use or in the relevant market as a single whole.

2106. (1) In this division unless the context otherwise requires "contract" and "agreement" are limited to those relating to the present or future sale of goods. "Contract for sale" includes both a present sale of goods and a contract to sell goods at a future time. A "sale" consists in the passing of title from the seller to the buyer for a price (Section 2401). A "present sale" means a sale which is accomplished by the making of the contract.

(2) Goods or conduct including any part of a performance are "conforming" or conform to the contract when they are in accordance with the obligations under the contract.

(3) "Termination" occurs when either party pursuant to a power created by agreement or law puts an end to the contract otherwise than for its breach. On "termination" all obligations which are still executory on both sides are discharged but any right based on prior breach or performance survives.

(4) "Cancellation" occurs when either party puts an end to the contract for breach by the other and its effect is the same as that of "termination" except that the cancelling party also retains any remedy for breach of the whole contract or any unperformed balance.

2107. (1) A contract for the sale of minerals or the like or a structure or its materials to be removed from realty is a contract for the sale of goods within this division if they are to be severed by the seller but until severance a purported present sale thereof which is not effective as a transfer of an interest in land is effective only as a contract to sell.

(2) A contract for the sale apart from the land of growing crops or other things attached to realty and capable of severance without material harm thereto but not described in subdivision (1) or of timber to be cut is a contract for the sale of goods within this division whether the subject matter is to

be severed by the buyer or by the seller even though it forms part of the realty at the time of contracting, and the parties can by identification effect a present sale before severance.

(3) The provisions of this section are subject to any third party rights provided by the law relating to realty records, and the contract for sale may be executed and recorded as a document transferring an interest in land and shall then constitute notice to third parties of the buyer's rights under the contract for sale.

CHAPTER 2. FORM, FORMATION AND READJUSTMENT OF CONTRACT

2201. (1) Except as otherwise provided in this section a contract for the sale of goods for the price of $500 or more is not enforceable by way of action or defense unless there is some writing sufficient to indicate that a contract for sale has been made between the parties and signed by the party against whom enforcement is sought or by his authorized agent or broker. A writing is not insufficient because it omits or incorrectly states a term agreed upon but the contract is not enforceable under this paragraph beyond the quantity of goods shown in such writing.

(2) Between merchants if within a reasonable time a writing in confirmation of the contract and sufficient against the sender is received and the party receiving it has reason to know its contents, it satisfies the requirements of subdivision (1) against such party unless written notice of objection to its contents is given within 10 days after it is received.

(3) A contract which does not satisfy the requirements of subdivision (1) but which is valid in other respects is enforceable

(a) If the goods are to be specially manufactured for the buyer and are not suitable for sale to others in the ordinary course of the seller's business and the seller, before notice of repudiation is received and under circumstances which reasonably indicate that the goods are for the buyer, has made either a substantial beginning of their manufacture or commitments for their procurement; or

(c) With respect to goods for which payment has been made and accepted or which have been received and accepted (Section 2606).

2202. Terms with respect to which the confirmatory memoranda of the parties agree or which are otherwise set forth in a writing intended by the parties as a final expression of their agreement with respect to such terms as are included therein may not be contradicted by evidence of any prior agreement or of a contemporaneous oral agreement but may be explained or supplemented

(a) By course of dealing or usage of trade (Section 1205) or by course of performance (Section 2208); and

(b) By evidence of consistent additional terms unless the court finds the writing to have been intended also as a complete and exclusive statement of the terms of the agreement.

2204. (1) A contract for sale of goods may be made in any manner sufficient to show agreement, including conduct by both parties which recognizes the existence of such a contract.

(2) An agreement sufficient to constitute a contract for sale may be found even though the moment of its making is undetermined.

(3) Even though one or more terms are left open a contract for sale does not fail for indefiniteness if the parties have intended to make a contract and there is a reasonably certain basis for giving an appropriate remedy.

2205. An offer by a merchant to buy or sell goods in a signed writing which by its terms gives assurance that it will be held open is not revocable, for lack of consideration, during the time stated or if no time is stated for a reasonable time, but in no event may such period of irrevocability exceed three months; but any such term of assurance on a form supplied by the offeree must be separately signed by the offeror.

2206. (1) Unless otherwise unambiguously indicated by the language or circumstances

(a) An offer to make a contract shall be construed as inviting acceptance in any manner and by any medium reasonable in the circumstances;

(b) An order or other offer to buy goods for prompt or current shipment shall be construed as inviting acceptance either by a prompt promise to ship or by the prompt or current shipment of conforming or nonconforming goods, but such a shipment of nonconforming goods does not constitute an acceptance if the seller seasonably notifies the buyer that the shipment is offered only as an accommodation to the buyer.

(2) Where the beginning of a requested performance is a reasonable mode of acceptance an offeror who is not notified of acceptance within a reasonable time may treat the offer as having lapsed before acceptance.

2207. (1) A definite and seasonable expression of acceptance or a written confirmation which is sent within a reasonable time operates as an acceptance even though it states terms additional to or different from those offered or agreed upon, unless acceptance is expressly made conditional on assent to the additional or different terms.

(2) The additional terms are to be construed as proposals for addition to the contract. Between merchants such terms become part of the contract unless:

(a) The offer expressly limits acceptance to the terms of the offer;

(b) They materially alter it; or

(c) Notification of objection to them has already been given or is given within a reasonable time after notice of them is received.

(3) Conduct by both parties which recognizes the existence of a contract is sufficient to establish a contract for sale although the writings of the parties do not otherwise establish a contract. In such case the terms of the particular contract consist of those terms on which the writings of the parties agree, together with any supplementary terms incorporated under any other provisions of this code.

2208. (1) Where the contract for sale involves repeated occasions for performance by either party with knowledge of the nature of the performance and opportunity for objection to it by the other, any course of performance accepted or acquiesced in without objection shall be relevant to determine the meaning of the agreement.

(2) The express terms of the agreement and any such course of performance, as well as any course of dealing and usage of trade, shall be construed whenever reasonable as consistent with each other; but when such construction is unreasonable, express terms shall control course of performance and course of performance shall control both course of dealing and usage of trade (Section 1205).

(3) Subject to the provisions of the next section on modification and waiver, such course of performance shall be relevant to show a waiver or modification of any term inconsistent with such course of performance

2209. (1) An agreement modifying a contract within this division needs no consideration to be binding.

(2) A written contract within this division may only be modified by a written agreement or by an oral agreement fully executed by both parties.

(4) Although an attempt at modification or rescission does not satisfy the requirements of subdivision (2), it can operate as a waiver.

(5) A party who has made a waiver affecting an executory portion of the contract may retract the waiver by reasonable notification received by the other party that strict performance will be required of any term waived, unless the retraction would be unjust in view of a material change of position in reliance on the waiver.

2210. (1) A party may perform his duty through a delegate unless otherwise agreed or unless the other party has a substantial interest in having his original promisor perform or control the acts required by the contract. No delegation of performance relieves the party delegating of any duty to perform or any liability for breach.

(2) Unless otherwise agreed all rights of either seller or buyer can be assigned except where the assignment would materially change the duty of the other party, or increase materially the burden or risk imposed on him by his contract, or impair materially his chance of obtaining return performance. A right to damages for breach of the whole contract or a right arising out of the assignor's due performance of his entire obligation can be assigned despite agreement otherwise.

(3) Unless the circumstances indicate the contrary a prohibition of assignment of "the contract" is to be construed as barring only the delegation to the assignee of the assignor's performance.

(4) An assignment of "the contract" or of "all my rights under the contract" or an assignment in similar general terms is an assignment of rights and unless the language or the circumstances (as in an assignment for security) indicate the contrary, it is a delegation of performance of the duties of the assignor and its acceptance by the assignee constitutes a promise by him to perform those duties. This promise is enforceable by either the assignor or the other party to the original contract.

(5) The other party may treat any assignment which delegates performance as creating reasonable grounds for insecurity and may without prejudice to his rights against the assignor demand assurances from the assignee (Section 2609).

Chapter 3. General Obligation and Construction of Contract

2301. The obligation of the seller is to transfer and deliver and that of the buyer is to accept and pay in accordance with the contract.

2303. Where this division allocates a risk or a burden as between the parties "unless otherwise agreed," the agreement may not only shift the allocation but may also divide the risk or burden.

2304. (1) The price can be made payable in money or otherwise. If it is payable in whole or in part in goods each party is a seller of the goods which he is to transfer.

(2) Even though all or part of the price is payable in an interest in realty the transfer of the goods and the seller's obligations with reference to them are subject to this division, but not the transfer of the interest in realty or the transferor's obligations in connection therewith.

2305. (1) The parties if they so intend can conclude a contract for sale even though the price is not settled. In such a case the price is a reasonable price at the time for delivery if

(a) Nothing is said as to price; or

(b) The price is left to be agreed by the parties and they fail to agree; or

(c) The price is to be fixed in terms of some agreed market or other standard as set or recorded by a third person or agency and it is not so set or recorded.

(2) A price to be fixed by the seller or by the buyer means a price for him to fix in good faith.

(3) When a price left to be fixed otherwise than by agreement of the parties fails to be fixed through fault of one party the other may at his option treat the contract as canceled or himself fix a reasonable price.

(4) Where, however, the parties intend not to be bound unless the price be fixed or agreed and it is not fixed or agreed there is no contract. In such a case the buyer must return any goods already received or if unable so to do must pay their reasonable value at the time of delivery and the seller must return any portion of the price paid on account.

2306. (1) A term which measures the quantity by the output of the seller or the requirements of the buyer means such actual output or requirements as may occur in good faith, except that no quantity unreasonably disproportionate to any stated estimate or in the absence of a stated estimate to any normal or otherwise comparable prior output or requirements may be tendered or demanded.

(2) A lawful agreement by either the seller or the buyer for exclusive dealing in the kind of goods concerned imposes unless otherwise agreed an obligation by the seller to use best efforts to supply the goods and by the buyer to use best efforts to promote their sale.

2307. Unless otherwise agreed all goods called for by a contract for sale must be tendered in a single delivery and payment is due only on such tender but where the circumstances give either party the right to make or demand delivery in lots the price if it can be apportioned may be demanded for each lot.

2308. Unless otherwise agreed

(a) The place for delivery of goods is the seller's place of business or if he has none his residence; but

(b) In a contract for sale of identified goods which to the knowledge of the parties at the time of contracting are in some other place, that place is the place for their delivery; and

(c) Documents of title may be delivered through customary banking channels.

2309. (1) The time for shipment or delivery or any other action under a contract if not provided in this division or agreed upon shall be a reasonable time.

(2) Where the contract provides for successive performances but is indefinite in duration it is valid for a reasonable time but unless otherwise agreed may be terminated at any time by either party.

(3) Termination of a contract by one party except on the happening of an agreed event requires that reasonable notification be received by the other party and an agreement dispensing with notification is invalid if its operation would be unconscionable

2310. Unless otherwise agreed

(a) Payment is due at the time and place at which the buyer is to receive the goods even though the place of shipment is the place of delivery; and

(b) If the seller is authorized to send the goods he may ship them under reservation, and may tender the documents of title, but the buyer may inspect the goods after their arrival before

payment is due unless such inspection is inconsistent with the terms of the contract (Section 2513); and

(c) If delivery is authorized and made by way of documents of title otherwise than by subdivision (b) then payment is due at the time and place at which the buyer is to receive the documents regardless of where the goods are to be received; and

(d) Where the seller is required or authorized to ship the goods on credit the credit period runs from the time of shipment but postdating the invoice or delaying its dispatch will correspondingly delay the starting of the credit period.

2311. (1) An agreement for sale which is otherwise sufficiently definite (subdivision (3) of Section 2204) to be a contract is not made invalid by the fact that it leaves particulars of performance to be specified by one of the parties. Any such specification must be made in good faith and within limits set by commercial reasonableness.

(2) Unless otherwise agreed specifications relating to assortment of the goods are at the buyer's option and except as otherwise provided in subdivisions (1)(c) and (3) of Section 2319 specifications or arrangements relating to shipment are at the seller's option.

(3) Where such specification would materially affect the other party's performance but is not seasonably made or where one party's co-operation is necessary to the agreed performance of the other but is not seasonably forthcoming, the other party in addition to all other remedies

(a) Is excused for any resulting delay in his own performance; and

(b) May also either proceed to perform in any reasonable manner or after the time for a material part of his own performance treat the failure to specify or to co-operate as a breach by failure to deliver or accept the goods.

2312. (1) Subject to subdivision (2) there is in a contract for sale a warranty by the seller that

(a) The title conveyed shall be good, and its transfer rightful; and

(b) The goods shall be delivered free from any security interest or other lien or encumbrance of which the buyer at the time of contracting has no knowledge.

(2) A warranty under subdivision (1) will be excluded or modified only by specific language or by circumstances which give the buyer reason to know that the person selling does not claim title in himself or that he is purporting to sell only such right or title as he or a third person may have.

(3) Unless otherwise agreed a seller who is a merchant regularly dealing in goods of the kind warrants that the goods shall be delivered free of the rightful claim of any third person by way of infringement or the like but a buyer who furnishes specifications to the seller must hold the seller harmless against any such claim which arises out of compliance with the specifications.

2313. (1) Express warranties by the seller are created as follows:

(a) Any affirmation of fact or promise made by the seller to the buyer which relates to the goods and becomes part of the basis of the bargain creates an express warranty that the goods shall conform to the affirmation or promise.

(b) Any description of the goods which is made part of the basis of the bargain creates an express warranty that the goods shall conform to the description.

(c) Any sample or model which is made part of the basis of the bargain creates an express warranty that the whole of the goods shall conform to the sample or model.

(2) It is not necessary to the creation of an express warranty that the seller use formal words such as "warrant" or "guarantee" or that he have a specific intention to make a warranty, but an affirmation merely of the value of the goods or a statement purporting to be merely the seller's opinion or commendation of the goods does not create a warranty.

2314. (1) Unless excluded or modified (Section 2316), a warranty that the goods shall be merchantable is implied in a contract for their sale if the seller is a merchant with respect to goods of that kind. Under this section the serving for value of food or drink to be consumed either on the premises or elsewhere is a sale.

(2) Goods to be merchantable must be at least such as

(a) Pass without objection in the trade under the contract description; and

(b) In the case of fungible goods, are of fair average quality within the description; and

(c) Are fit for the ordinary purposes for which such goods are used; and

(d) Run, within the variations permitted by the agreement, of even kind, quality and quantity within each unit and among all units involved; and

(e) Are adequately contained, packaged, and labeled as the agreement may require; and

(f) Conform to the promises or affirmations of fact made on the container or label if any.

(3) Unless excluded or modified (Section 2316) other implied warranties may arise from course of dealing or usage of trade.

2315. Where the seller at the time of contracting has reason to know any particular purpose for which the goods are required and that the buyer is relying on the seller's skill or judgment to select or furnish suitable goods, there is unless excluded or modified under the next section an implied warranty that the goods shall be fit for such purpose.

2316. (1) Words or conduct relevant to the creation of an express warranty and words or conduct tending to negate or limit warranty shall be construed wherever reasonable as consistent with each other; but subject to the provisions of

this division on parol or extrinsic evidence (Section 2202) negation or limitation is inoperative to the extent that such construction is unreasonable.

(2) Subject to subdivision (3), to exclude or modify the implied warranty of merchantability or any part of it the language must mention merchantability and in case of a writing must be conspicuous, and to exclude or modify any implied warranty of fitness the exclusion must be by a writing and conspicuous. Language to exclude all implied warranties of fitness is sufficient if it states, for example, that "There are no warranties which extend beyond the description on the face hereof."

(3) Notwithstanding subdivision (2)

(a) Unless the circumstances indicate otherwise, all implied warranties are excluded by expressions like "as is," "with all faults" or other language which in common understanding calls the buyer's attention to the exclusion of warranties and makes plain that there is no implied warranty; and

(b) When the buyer before entering into the contract has examined the goods or the sample or model as fully as he desired or has refused to examine the goods there is no implied warranty with regard to defects which an examination ought in the circumstances to have revealed to him; and

(c) An implied warranty can also be excluded or modified by course of dealing or course of performance or usage of trade.

(4) Remedies for breach of warranty can be limited in accordance with the provisions of this division on liquidation or limitation of damages and on contractual modification of remedy (Sections 2718 and 2719).

2317. Warranties whether express or implied shall be construed as consistent with each other and as cumulative, but if such construction is unreasonable the intention of the parties shall determine which warranty is dominant. In ascertaining that intention the following rules apply:

(a) Exact or technical specifications displace an inconsistent sample or model or general language of description.

(b) A sample from an existing bulk displaces inconsistent general language of description.

(c) Express warranties displaced inconsistent implied warranties other than an implied warranty of fitness for a particular purpose.

2319. (1) Unless otherwise agreed the term F.O.B. (which means "free on board") at a named place, even though used only in connection with the stated price, is a delivery term under which

(a) When the term is F.O.B. the place of shipment, the seller must at that place ship the goods in the manner provided in this division (Section 2504) and bear the expense and risk of putting them into the possession of the carrier; or

(b) When the term is F.O.B. the place of destination, the seller must at his own expense and risk transport the goods to

that place and there tender delivery of them in the manner provided in this division (Section 2503);

(c) When under either (a) or (b) the term is also F.O.B. vessel, car or other vehicle, the seller must in addition at his own expense and risk load the goods on board. If the term is F.O.B. vessel the buyer must name the vessel and in an appropriate case the seller must comply with the provisions of this division on the form of bill of lading (Section 2323).

(2) Unless otherwise agreed the term F.A.S. vessel (which means "free alongside") at a named port, even though used only in connection with the stated price, is a delivery term under which the seller must

(a) At his own expense and risk deliver the goods alongside the vessel in the manner usual in that port or on a dock designated and provided by the buyer; and

(b) Obtain and tender a receipt for the goods in exchange for which the carrier is under a duty to issue a bill of lading.

(3) Unless otherwise agreed in any case falling within subdivision (1)(a) or (c) or subdivision (2) the buyer must seasonably give any needed instructions for making delivery, including when the term is F.A.S. or F.O.B. the loading berth of the vessel and in an appropriate case its name and sailing date. The seller may treat the failure of needed instructions as a failure of co-operation under this division (Section 2311). He may also at his option move the goods in any reasonable manner preparatory to delivery or shipment.

(4) Under the term F.O.B. vessel or F.A.S. unless otherwise agreed the buyer must make payment against tender of the required documents and the seller may not tender nor the buyer demand delivery of the goods in substitution for the documents.

2320. (1) The term C.I F. means that the price includes in a lump sum the cost of the goods and the insurance and freight to the named destination. The term C. & F. or C.F. means that the price so includes cost and freight to the named destination.

(2) Unless otherwise agreed and even though used only in connection with the stated price and destination, the term C.I.F. destination or its equivalent requires the seller at his own expense and risk to

(a) Put the goods into the possession of a carrier at the port for shipment and obtain a negotiable bill or bills of lading covering the entire transportation to the named destination; and

(b) Load the goods and obtain a receipt from the carrier (which may be contained in the bill of lading) showing that the freight has been paid or provided for; and

(c) Obtain a policy or certificate of insurance, including any war risk insurance, of a kind and on terms then current at the port of shipment in the usual amount, in the currency of the contract, shown to cover the same goods covered by the bill of lading and providing for payment of loss to the order of the

buyer or for the account of whom it may concern; but the seller may add to the price the amount of the premium for any such war risk insurance; and

(d) Prepare an invoice of the goods and procure any other documents required to effect shipment or to comply with the contract; and

(e) Forward and tender with commercial promptness all the documents in due form and with any indorsement necessary to perfect the buyer's rights.

(3) Unless otherwise agreed the term C. & F. or its equivalent has the same effect and imposes upon the seller the same obligations and risks as a C I.F. term except the obligation as to insurance.

(4) Under the term C.I.F. or C. & F. unless otherwise agreed the buyer must make payment against tender of the required documents and the seller may not tender nor the buyer demand delivery of the goods in substitution for the documents.

2321. Under a contract containing a term C.I.F. or C. & F.

(1) Where the price is based on or is to be adjusted according to "net landed weights," "delivered weights," "out turn" quantity or quality or the like, unless otherwise agreed the seller must reasonably estimate the price. The payment due on tender of the documents called for by the contract is the amount so estimated, but after final adjustment of the price a settlement must be made with commercial promptness.

(2) An agreement described in subdivision (1) or any warranty of quality or condition of the goods on arrival places upon the seller the risk of ordinary deterioration, shrinkage and the like in transportation but has no effect on the place or time of identification to the contract for sale or delivery or on the passing of the risk of loss.

(3) Unless otherwise agreed where the contract provides for payment on or after arrival of the goods the seller must before payment allow such preliminary inspection as is feasible; but if the goods are lost delivery of the documents and payment are due when the goods should have arrived.

2322. (1) Unless otherwise agreed a term for delivery of goods "ex-ship" (which means from the carrying vessel) or in equivalent language is not restricted to a particular ship and requires delivery from a ship which has reached a place at the named port of destination where goods of the kind are usually discharged.

(2) Under such a term unless otherwise agreed

(a) The seller must discharge all liens arising out of the carriage and furnish the buyer with a direction which puts the carrier under a duty to deliver the goods; and

(b) The risk of loss does not pass to the buyer until the goods leave the ship's tackle or are otherwise properly unloaded.

2323. (1) Where the contract contemplates overseas shipment and contains a term C.I.F. or C. & F. or F.O.B. vessel,

the seller unless otherwise agreed must obtain a negotiable bill of lading stating that the goods have been loaded on board or, in the case of a term C.I.F. or C. & F., received for shipment.

(2) Where in a case within subdivision (1) a bill of lading has been issued in a set of parts, unless otherwise agreed if the documents are not to be sent from abroad the buyer may demand tender of the full set; otherwise only one part of the bill of lading need be tendered. Even if the agreement expressly requires a full set

(a) Due tender of a single part is acceptable within the provisions of this division on cure of improper delivery (subdivision (1) of Section 2508); and

(b) Even though the full set is demanded, if the documents are sent from abroad the person tendering an incomplete set may nevertheless require payment upon furnishing an indemnity which the buyer in good faith deems adequate.

(3) A shipment by water or by air or a contract contemplating such shipment is "overseas" insofar as by usage of trade or agreement it is subject to the commercial, financing or shipping practices characteristic of international deepwater commerce.

2324. Under a term "no arrival, no sale" or terms of like meaning, unless otherwise agreed,

(a) The seller must properly ship conforming goods and if they arrive by any means he must tender them on arrival but he assumes no obligation that the goods will arrive unless he has caused the nonarrival; and

(b) Where without fault of the seller the goods are in part lost or have so deteriorated as no longer to conform to the contract or arrive after the contract time, the buyer may proceed as if there had been casualty to identified goods (Section 2613).

2325. (1) Failure of the buyer seasonably to furnish an agreed letter of credit is a breach of the contract for sale.

(2) The delivery to seller of a proper letter of credit suspends the buyer's obligation to pay. If the letter of credit is dishonored, the seller may on seasonable notification to the buyer require payment directly from him.

(3) Unless otherwise agreed the term "letter of credit" or "banker's credit" in a contract for sale means an irrevocable credit issued by a financing agency of good repute and, where the shipment is overseas, of good international repute. The term "confirmed credit" means that the credit must also carry the direct obligation of such an agency which does business in the seller's financial market.

2326. (1) Unless otherwise agreed, if delivered goods may be returned by the buyer even though they conform to the contract, the transaction is

(a) A "sale on approval" if the goods are delivered primarily for use, and

(b) A "sale or return" if the goods are delivered primarily for resale.

(2) Except as provided in subdivision (3), goods held on approval are not subject to the claims of the buyer's creditors until acceptance; goods held on sale or return are subject to such claims while in the buyer's possession.

(3) Where goods are delivered to a person for sale and such person maintains a place of business at which he deals in goods of the kind involved, under a name other than the name of the person making delivery, then with respect to claims of creditors of the person conducting the business the goods are deemed to be on sale or return. The provisions of this subdivision are applicable even though an agreement purports to reserve title to the person making delivery until payment or resale or uses such words as "on consignment" or "on memorandum." However, this subdivision is not applicable if the person making delivery

(b) Establishes that the person conducting the business is generally known by his creditors to be substantially engaged in selling the goods of others, or

(c) Complies with the filing provisions of the division on secured transactions (Division 9).

(4) Any "or return" term of a contract for sale is to be treated as a separate contract for sale within the statute of frauds section of this chapter (Section 2201) and as contradicting the sale aspect of the contract within the provisions of this chapter on parol or extrinsic evidence (Section 2202).

2327. (1) Under a sale on approval unless otherwise agreed

(a) Although the goods are identified to the contract the risk of loss and the title do not pass to the buyer until acceptance; and

(b) Use of the goods consistent with the purpose of trial is not acceptance but failure seasonably to notify the seller of election to return the goods is acceptance, and if the goods conform to the contract acceptance of any part is acceptance of the whole; and

(c) After due notification of election to return, the return is at the seller's risk and expense but a merchant buyer must follow any reasonable instructions.

(2) Under a sale or return unless otherwise agreed

(a) The option to return extends to the whole or any commercial unit of the goods while in substantially their original condition, but must be exercised seasonably; and

(b) The return is at the buyer's risk and expense.

2328. (1) In a sale by auction if goods are put up in lots each lot is the subject of a separate sale.

(2) A sale by auction is complete when the auctioneer so announces by the fall of the hammer or in other customary manner. Where a bid is made while the hammer is falling in acceptance of a prior bid the auctioneer may in his discretion reopen the bidding or declare the goods sold under the bid on which the hammer was falling.

(3) Such a sale is with reserve unless the goods are in explicit terms put up without reserve. In an auction with reserve the auctioneer may withdraw the goods at any time until he announces completion of the sale. In an auction without reserve, after the auctioneer calls for bids on an article or lot, that article or lot cannot be withdrawn unless no bid is made within a reasonable time. In either case a bidder may retract his bid until the auctioneer's announcement of completion of the sale, but a bidder's retraction does not revive any previous bid.

(4) If the auctioneer knowingly receives a bid on the seller's behalf or the seller makes or procures such a bid, and notice has not been given that liberty for such bidding is reserved, the buyer may at his option avoid the sale or take the goods at the price of the last good faith bid prior to the completion of the sale. This subdivision shall not apply to any bid at a forced sale.

CHAPTER 4. TITLE, CREDITORS AND GOOD FAITH PURCHASERS

2401. Each provision of this division with regard to the rights, obligations and remedies of the seller, the buyer, purchasers or other third parties applies irrespective of title to the goods except where the provision refers to such title. Insofar as situations are not covered by the other provisions of this chapter and matters concerning title become material the following rules apply:

(1) Title to goods cannot pass under a contract for sale prior to their identification to the contract (Section 2501), and unless otherwise explicitly agreed the buyer acquires by their identification a special property as limited by this code. Any retention or reservation by the seller of the title (property) in goods shipped or delivered to the buyer is limited in effect to a reservation of a security interest. Subject to these provisions and to the provisions of the division on secured transactions (Division 9), title to goods passes from the seller to the buyer in any manner and on any conditions explicitly agreed on by the parties.

(2) Unless otherwise explicitly agreed title passes to the buyer at the time and place at which the seller completes his performance with reference to the physical delivery of the goods, despite any reservation of a security interest and even though a document of title is to be delivered at a different time or place; and in particular and despite any reservation of a security interest by the bill of lading

(a) If the contract requires or authorizes the seller to send the goods to the buyer but does not require him to deliver them at destination, title passes to the buyer at the time and place of shipment; but

(b) If the contract requires delivery at destination, title passes on tender there.

(3) Unless otherwise explicitly agreed where delivery is to be made without moving the goods,

(a) If the seller is to deliver a document of title, title passes at the time when and the place where he delivers such documents; or

(b) If the goods are at the time of contracting already identified and no documents are to be delivered, title passes at the time and place of contracting.

(4) A rejection or other refusal by the buyer to receive or retain the goods, whether or not justified, or a justified revocation of acceptance revests title to the goods in the seller. Such revesting occurs by operation of law and is not a "sale."

2402. (1) Except as provided in subdivisions (2) and (3), rights of unsecured creditors of the seller with respect to goods which have been identified to a contract for sale are subject to the buyer's rights to recover the goods under this division (Sections 2502 and 2716).

(2) A creditor of the seller may treat a sale or an identification of goods to a contract for sale as void if as against him a retention of possession by the seller is fraudulent under any rule of law of the state where the goods are situated, except that retention of possession in good faith and current course of trade by a merchant-seller for a commercially reasonable time after a sale or identification is not fraudulent.

(3) Nothing in this division shall be deemed to impair the rights of creditors of the seller

(a) Under the provisions of the division on secured transactions (Division 9); or

(b) Where identification to the contract or delivery is made not in current course of trade but in satisfaction of or as security for a pre-existing claim for money, security or the like and is made under circumstances which under any rule of law of the state where the goods are situated would apart from this division constitute the transaction a fraudulent transfer or voidable preference.

2403. (1) A purchaser of goods acquires all title which his transferor had or had power to transfer except that a purchaser of a limited interest acquires rights only to the extent of the interest purchased. A person with voidable title has power to transfer a good title to a good faith purchaser for value. When goods have been delivered under a transaction of purchase the purchaser has such power even though

(a) The transferor was deceived as to the identity of the purchaser, or

(b) The delivery was in exchange for a check which is later dishonored, or

(c) It was agreed that the transaction was to be a "cash sale," or

(d) The delivery was procured through fraud punishable as larcenous under the criminal law.

(2) Any entrusting of possession of goods to a merchant who deals in goods of that kind gives him power to transfer all rights of the entruster to a buyer in ordinary course of business.

(3) "Entrusting" includes any delivery and any acquiescence in retention of possession for the purpose of sale, obtaining offers to purchase, locating a buyer, or the like, regardless of any condition expressed between the parties to the delivery or acquiescence and regardless of whether the procurement of the entrusting or the possessor's disposition of the goods have been such as to be larcenous under the criminal law.

(4) The rights of other purchasers of goods are governed by the divisions on secured transactions (Division 9), bulk transfers (Division 6) and documents of title (Division 7).

CHAPTER 5. PERFORMANCE

2501. (1) The buyer obtains a special property and an insurable interest in goods by identification of existing goods as goods to which the contract refers even though the goods so identified are nonconforming and he has an option to return or reject them. Such identification can be made at any time and in any manner explicitly agreed to by the parties. In the absence of explicit agreement identification occurs

(a) When the contract is made if it is for the sale of goods already existing and identified;

(b) If the contract is for the sale of future goods other than those described in paragraph (c), when goods are shipped, marked or otherwise designated by the seller as goods to which the contract refers;

(c) If the contract is for the sale of unborn young or future crops, when the crops are planted or otherwise become growing crops or the young are conceived.

(2) The seller retains an insurable interest in goods so long as title to or any security interest in the goods remains in him and where the identification is by the seller alone he may until default or insolvency or notification to the buyer that the identification is final substitute other goods for those identified.

(3) Nothing in this section impairs any insurable interest recognized under any other statute or rule of law.

2502. (1) Subject to subdivision (2) and even though the goods have not been shipped a buyer who has paid a part or all of the price of goods in which he has a special property under the provisions of the immediately preceding section may on making and keeping good a tender of any unpaid portion of their price recover them from the seller if the seller becomes insolvent within 10 days after receipt of the first installment on their price.

(2) If the identification creating his special property has been made by the buyer he acquires the right to recover the goods only if they conform to the contract for sale.

2503. (1) Tender of delivery requires that the seller put and hold conforming goods at the buyer's disposition and give the buyer any notification reasonably necessary to enable him to take delivery. The manner, time and place for tender are determined by the agreement and this chapter, and in particular

(a) Tender must be at a reasonable hour, and if it is of goods they must be kept available for the period reasonably necessary to enable the buyer to take possession; but

(b) Unless otherwise agreed the buyer must furnish facilities reasonably suited to the receipt of the goods.

(2) Where the case is within the next section respecting shipment tender requires that the seller comply with its provisions.

(3) Where the seller is required to deliver at a particular destination tender requires that he comply with subdivision (1) and also in any appropriate case tender documents as described in subdivisions (4) and (5) of this section.

(4) Where goods are in the possession of a bailee and are to be delivered without being moved

(a) Tender requires that the seller either tender a negotiable document of title covering such goods or procure acknowledgment by the bailee of the buyer's right to possession of the goods; but

(b) Tender to the buyer of a nonnegotiable document of title or of a written direction to the bailee to deliver is sufficient tender unless the buyer seasonably objects, and receipt by the bailee of notification of the buyer's rights fixes those rights as against the bailee and all third persons; but risk of loss of the goods and of any failure by the bailee to honor the nonnegotiable document of title or to obey the direction remains on the seller until the buyer has had a reasonable time to present the document or direction, and a refusal by the bailee to honor the document or to obey the direction defeats the tender.

(5) Where the contract requires the seller to deliver documents

(a) He must tender all such documents in correct form, except as provided in this division with respect to bills of lading in a set (subdivision (2) of Section 2323); and

(b) Tender through customary banking channels is sufficient and dishonor of a draft accompanying the documents constitutes nonacceptance or rejection.

2504. Where the seller is required or authorized to send the goods to the buyer and the contract does not require him to deliver them at a particular destination, then unless otherwise agreed he must

(a) Put the goods in the possession of such a carrier and make such a contract for their transportation as may be reasonable having regard to the nature of the goods and other circumstances of the case; and

(b) Obtain and promptly deliver or tender in due form any document necessary to enable the buyer to obtain possession of the goods or otherwise required by the agreement or by usage of trade; and

(c) Promptly notify the buyer of the shipment.

Failure to notify the buyer under paragraph (c) or to make a proper contract under paragraph (a) is a ground for rejection only if material delay or loss ensues.

2505. (1) Where the seller has identified goods to the contract by or before shipment:

(a) His procurement of a negotiable bill of lading to his own order or otherwise reserves in him a security interest in the goods. His procurement of the bill to the order of a financing agency or of the buyer indicates in addition only the seller's expectation of transferring that interest to the person named.

(b) A nonnegotiable bill of lading to himself or his nominee reserves possession of the goods as security but except in a case of conditional delivery (subdivision (2) of Section 2507) a nonnegotiable bill of lading naming the buyer as consignee reserves no security interest even though the seller retains possession of the bill of lading.

(2) When shipment by the seller with reservation of a security interest is in violation of the contract for sale it constitutes an improper contract for transportation within the preceding section but impairs neither the rights given to the buyer by shipment and identification of the goods to the contract nor the seller's powers as a holder of a negotiable document.

2506. (1) A financing agency by paying or purchasing for value a draft which relates to a shipment of goods acquires to the extent of the payment or purchase and in addition to its own rights under the draft and any document of title securing it any rights of the shipper in the goods including the right to stop delivery and the shipper's right to have the draft honored by the buyer

(2) The right to reimbursement of a financing agency which has in good faith honored or purchased the draft under commitment to or authority from the buyer is not impaired by subsequent discovery of defects with reference to any relevant document which was apparently regular on its face.

2507. (1) Tender of delivery is a condition to the buyer's duty to accept the goods and, unless otherwise agreed, to his duty to pay for them. Tender entitles the seller to acceptance of the goods and to payment according to the contract.

(2) Where payment is due and demanded on the delivery to the buyer of goods or documents of title, his right as against the seller to retain or dispose of them is conditional upon his making the payment due.

2508. (1) Where any tender or delivery by the seller is rejected because nonconforming and the time for performance has not yet expired, the seller may seasonably notify the buyer

of his intention to cure and may then within the contract time make a conforming delivery.

(2) Where the buyer rejects a nonconforming tender which the seller had reasonable grounds to believe would be acceptable with or without money allowance the seller may if he seasonally notifies the buyer have a further reasonable time to substitute a conforming tender.

2509. (1) Where the contract requires or authorizes the seller to ship the goods by carrier

(a) If it does not require him to deliver them at a particular destination, the risk of loss passes to the buyer when the goods are duly delivered to the carrier even though the shipment is under reservation (Section 2505); but

(b) If it does require him to deliver them at a particular destination and the goods are there duly tendered while in the possession of the carrier, the risk of loss passes to the buyer when the goods are there duly so tendered as to enable the buyer to take delivery.

(2) Where the goods are held by a bailee to be delivered without being moved, the risk of loss passes to the buyer

(a) On his receipt of a negotiable document of title covering the goods; or

(b) On acknowledgment by the bailee of the buyer's right to possession of the goods; or

(c) After his receipt of a nonnegotiable document of title or other written direction to deliver, as provided in subdivision (4)(b) of Section 2503.

(3) In any case not within subdivision (1) or (2), the risk of loss passes to the buyer on his receipt of the goods if the seller is a merchant; otherwise the risk passes to the buyer on tender of delivery.

(4) The provisions of this section are subject to contrary agreement of the parties and to the provisions of this division on sale on approval (Section 2327) and on effect of breach on risk of loss (Section 2510)

2510. (1) Where a tender or delivery of goods so fails to conform to the contract as to give a right of rejection the risk of their loss remains on the seller until cure or acceptance.

(2) Where the buyer rightfully revokes acceptance he may to the extent of any deficiency in his effective insurance coverage treat the risk of loss as having rested on the seller from the beginning.

(3) Where the buyer as to conforming goods already identified to the contract for sale repudiates or is otherwise in breach before risk of their loss has passed to him, the seller may to the extent of any deficiency in his effective insurance coverage treat the risk of loss as resting on the buyer for a commercially reasonable time.

2511 (1) Unless otherwise agreed tender of payment is a condition to the seller's duty to tender and complete any delivery.

(2) Tender of payment is sufficient when made by any means or in any manner current in the ordinary course of business unless the seller demands payment in legal tender and gives any extension of time reasonably necessary to procure it.

(3) Subject to the provisions of this code on the effect of an instrument on an obligation (Section 3802), payment by check is conditional and is defeated as between the parties by dishonor of the check on due presentment.

2512. (1) Where the contract requires payment before inspection nonconformity of the goods does not excuse the buyer from so making payment unless (a) the nonconformity appears without inspection.

(2) Payment pursuant to subdivision (1) does not constitute an acceptance of goods or impair the buyer's right to inspect or any of his remedies.

2513. (1) Unless otherwise agreed and subject to subdivision (3), where goods are tendered or delivered or identified to the contract for sale, the buyer has a right before payment or acceptance to inspect them at any reasonable place and time and in any reasonable manner. When the seller is required or authorized to send the goods to the buyer, the inspection may be after their arrival.

(2) Expenses of inspection must be borne by the buyer but may be recovered from the seller if the goods do not conform and are rejected.

(3) Unless otherwise agreed and subject to the provisions of this division on C.I.F. contracts (subdivision (3) of Section 2321), the buyer is not entitled to inspect the goods before payment of the price when the contract provides

(a) For delivery "C.O.D." or on other like terms; or

(b) For payment against documents of title, except where such payment is due only after the goods are to become available for inspection.

(4) A place or method of inspection fixed by the parties is presumed to be exclusive but unless otherwise expressly agreed it does not postpone identification or shift the place for delivery or for passing the risk of loss. If compliance becomes impossible, inspection shall be as provided in this section unless the place or method fixed was clearly intended as an indispensable condition failure of which avoids the contract.

2514. Unless otherwise agreed documents against which a draft is drawn are to be delivered to the drawee on acceptance of the draft if it is payable more than three days after presentment; otherwise, only on payment.

2515. In furtherance of the adjustment of any claim or dispute

(a) Either party on reasonable notification to the other and for the purpose of ascertaining the facts and preserving evidence has the right to inspect, test and sample the goods including such of them as may be in the possession or control of the other; and

(b) The parties may agree to a third party inspection or survey to determine the conformity or condition of the goods and may agree that the findings shall be binding upon them in any subsequent litigation or adjustment.

CHAPTER 6. BREACH, REPUDIATION AND EXCUSE

2601. Subject to the provisions of this division on breach in installment contracts (Section 2612) and unless otherwise agreed under the sections on contractual limitations of remedy (Sections 2718 and 2719), if the goods or the tender of delivery fail in any respect to conform to the contract, the buyer may

(a) Reject the whole; or

(b) Accept the whole; or

(c) Accept any commercial unit or units and reject the rest.

2602. (1) Rejection of goods must be within a reasonable time after their delivery or tender. It is ineffective unless the buyer seasonably notifies the seller.

(2) Subject to the provisions of the two following sections on rejected goods (Sections 2603 and 2604),

(a) After rejection any exercise of ownership by the buyer with respect to any commercial unit is wrongful as against the seller; and

(b) If the buyer has before rejection taken physical possession of goods in which he does not have a security interest under the provisions of this division (subdivision (3) of Section 2711), he is under a duty after rejection to hold them with reasonable care at the seller's disposition for a time sufficient to permit the seller to remove them; but

(c) The buyer has no further obligations with regard to goods rightfully rejected.

(3) The seller's rights with respect to goods wrongfully rejected are governed by the provisions of this division on seller's remedies in general (Section 2703).

2603. (1) Subject to any security interest in the buyer (subdivision (3) of Section 2711), when the seller has no agent or place of business at the market of rejection a merchant buyer is under a duty after rejection of goods in his possession or control to follow any reasonable instructions received from the seller with respect to the goods and in the absence of such instructions to make reasonable efforts to sell them for the seller's account if they are perishable or threaten to decline in value speedily. Instructions are not reasonable if on demand indemnity for expenses is not forthcoming.

(2) When the buyer sells goods under subdivision (1), he is entitled to reimbursement from the seller or out of the proceeds for reasonable expenses of caring for and selling them, and if the expenses include no selling commission then to such commission as is usual in the trade or if there is none to a reasonable sum not exceeding 10 percent on the gross proceeds.

(3) In complying with this section the buyer is held only to good faith and good faith conduct hereunder is neither acceptance nor conversion nor the basis of an action for damages.

2604. Subject to the provisions of the immediately preceding section on perishables if the seller gives no instructions within a reasonable time after notification of rejection the buyer may store the rejected goods for the seller's account or reship them to him or resell them for the seller's account with reimbursement as provided in the preceding section. Such action is not acceptance or conversion.

2605. (1) The buyer's failure to state in connection with rejection a particular defect which is ascertainable by reasonable inspection precludes him from relying on the unstated defect to justify rejection or to establish breach

(a) Where the seller could have cured it if stated seasonably; or

(b) Between merchants when the seller has after rejection made a request in writing for a full and final written statement of all defects on which the buyer proposes to rely.

(2) Payment against documents made without reservation of rights precludes recovery of the payment for defects apparent on the face of the documents.

2606. (1) Acceptance of goods occurs when the buyer

(a) After a reasonable opportunity to inspect the goods signifies to the seller that the goods are conforming or that he will take or retain them in spite of their nonconformity; or

(b) Fails to make an effective rejection (subdivision (1) of Section 2602), but such acceptance does not occur until the buyer has had a reasonable opportunity to inspect them; or

(c) Does any act inconsistent with the seller's ownership; but if such act is wrongful as against the seller it is an acceptance only if ratified by him.

(2) Acceptance of a part of any commercial unit is acceptance of that entire unit.

2607 (1) The buyer must pay at the contract rate for any goods accepted.

(2) Acceptance of goods by the buyer precludes rejection of the goods accepted and if made with knowledge of a nonconformity cannot be revoked because of it unless the acceptance was on the reasonable assumption that the nonconformity would be seasonably cured but acceptance does not of itself impair any other remedy provided by this division for nonconformity.

(3) Where a tender has been accepted

(a) The buyer must within a reasonable time after he discovers or should have discovered any breach notify the seller of breach or be barred from any remedy; and

(b) If the claim is one for infringement or the like (subdivision (3) of Section 2312) and the buyer is sued as a result of such a breach he must so notify the seller within a reasonable time after he receives notice of the litigation or be barred from any remedy over for liability established by the litigation

(4) The burden is on the buyer to establish any breach with respect to the goods accepted.

(5) Where the buyer is sued for breach of a warranty or other obligation for which his seller is answerable over

(a) He may give his seller written notice of the litigation. If the notice states that the seller may come in and defend and that if the seller does not do so he will be bound in any action against him by his buyer by any determination of fact common to the two litigations, then unless the seller after seasonable receipt of the notice does come in and defend he is so bound

(b) If the claim is one for infringement or the like (subdivision (3) of Section 2312) the original seller may demand in writing that his buyer turn over to him control of the litigation including settlement or else be barred from any remedy over and if he also agrees to bear all expense and to satisfy any adverse judgment, then unless the buyer after seasonable receipt of the demand does turn over control the buyer is so barred.

(6) The provisions of subdivisions (3), (4) and (5) apply to any obligation of a buyer to hold the seller harmless against infringement or the like (subdivision (3) of Section 2312).

2608 (1) The buyer may revoke his acceptance of a lot or commercial unit whose nonconformity substantially impairs its value to him if he has accepted it

(a) On the reasonable assumption that its nonconformity would be cured and it has not been seasonably cured; or

(b) Without discovery of such nonconformity if his acceptance was reasonably induced either by the difficulty of discovery before acceptance or by the seller's assurances

(2) Revocation of acceptance must occur within a reasonable time after the buyer discovers or should have discovered the ground for it and before any substantial change in condition of the goods which is not caused by their own defects. It is not effective until the buyer notifies the seller of it

(3) A buyer who so revokes has the same rights and duties with regard to the goods involved as if he had rejected them

2609. (1) A contract for sale imposes an obligation on each party that the other's expectation of receiving due performance will not be impaired. When reasonable grounds for insecurity arise with respect to the performance of either party the other may in writing demand adequate assurance of due performance and until he receives such assurance may if commercially reasonable suspend any performance for which he has not already received the agreed return.

(2) Between merchants the reasonableness of grounds for insecurity and the adequacy of any assurance offered shall be determined according to commercial standards.

(3) Acceptance of any improper delivery or payment does not prejudice the aggrieved party's right to demand adequate assurance of future performance.

(4) After receipt of a justified demand failure to provide within a reasonable time not exceeding 30 days such assurance

of due performance as is adequate under the circumstances of the particular case is a repudiation of the contract.

2610. When either party repudiates the contract with respect to a performance not yet due the loss of which will substantially impair the value of the contract to the other, the aggrieved party may

(a) For a commercially reasonable time await performance by the repudiating party; or

(b) Resort to any remedy for breach (Section 2703 or Section 2711), even though he has notified the repudiating party that he would await the latter's performance and has urged retraction; and

(c) In either case suspend his own performance or proceed in accordance with the provisions of this division on the seller's right to identify goods to the contract notwithstanding breach or to salvage unfinished goods (Section 2704).

2611. (1) Until the repudiating party's next performance is due he can retract his repudiation unless the aggrieved party has since the repudiation canceled or materially changed his position or otherwise indicated that he considers the repudiation final.

(2) Retraction may be by any method which clearly indicates to the aggrieved party that the repudiating party intends to perform, but must include any assurance justifiably demanded under the provisions of this division (Section 2609).

(3) Retraction reinstates the repudiating party's rights under the contract with due excuse and allowance to the aggrieved party for any delay occasioned by the repudiation.

2612. (1) An "installment contract" is one which requires or authorizes the delivery of goods in separate lots to be separately accepted, even though the contract contains a clause "each delivery is a separate contract" or its equivalent.

(2) The buyer may reject any installment which is nonconforming if the nonconformity substantially impairs the value of that installment and cannot be cured or if the nonconformity is a defect in the required documents; but if the nonconformity does not fall within subdivision (3) and the seller gives adequate assurance of its cure the buyer must accept that installment.

(3) Whenever nonconformity or default with respect to one or more installments substantially impairs the value of the whole contract there is a breach of the whole. But the aggrieved party reinstates the contract if he accepts a nonconforming installment without seasonably notifying of cancellation or if he brings an action with respect only to past installments or demands performance as to future installments.

2613. Where the contract requires for its performance goods identified when the contract is made, and the goods suffer casualty without fault of either party before the risk of loss passes to the buyer, or in a proper case under a "no arrival, no sale" term (Section 2324) then

(a) If the loss is total the contract is avoided; and

(b) If the loss is partial or the goods have so deteriorated as no longer to conform to the contract the buyer may nevertheless demand inspection and at his option either treat the contract as avoided or accept the goods with due allowance from the contract price for the deterioration or the deficiency in quantity but without further right against the seller.

2614. (1) Where without fault of either party the agreed berthing, loading, or unloading facilities fail or an agreed type of carrier becomes unavailable or the agreed manner of delivery otherwise becomes commercially impracticable but a commercially reasonable substitute is available, such substitute performance must be tendered and accepted.

(2) If the agreed means or manner of payment fails because of domestic or foreign governmental regulation, the seller may withhold or stop delivery unless the buyer provides a means or manner of payment which is commercially a substantial equivalent. If delivery has already been taken, payment by the means or in the manner provided by the regulation discharges the buyer's obligation unless the regulation is discriminatory, oppressive or predatory.

2615. Except so far as a seller may have assumed a greater obligation and subject to the preceding section on substituted performance:

(a) Delay in delivery or nondelivery in whole or in part by a seller who complies with paragraphs (b) and (c) is not a breach of his duty under a contract for sale if performance as agreed has been made impracticable by the occurrence of a contingency the nonoccurrence of which was a basic assumption on which the contract was made or by compliance in good faith with any applicable foreign or domestic governmental regulation or order whether or not it later proves to be invalid.

(b) Where the causes mentioned in paragraph (a) affect only a part of the seller's capacity to perform, he must allocate production and deliveries among his customers but may at his option include regular customers not then under contract as well as his own requirements for further manufacture. He may so allocate in any manner which is fair and reasonable.

(c) The seller must notify the buyer seasonably that there will be delay or nondelivery and, when allocation is required under paragraph (b), of the estimated quota thus made available for the buyer.

2616. (1) Where the buyer receives notification of a material or indefinite delay or an allocation justified under the preceding section he may by written notification to the seller as to any delivery concerned, and where the prospective deficiency substantially impairs the value of the whole contract under the provisions of this division relating to breach of installment contracts (Section 2612), then also as to the whole,

(a) Terminate and thereby discharge any unexecuted portion of the contract; or

(b) Modify the contract by agreeing to take his available quota in substitution.

(2) If after receipt of such notification from the seller the buyer fails so to modify the contract within a reasonable time not exceeding 30 days the contract lapses with respect to any deliveries affected

(3) The provisions of this section may not be negated by agreement except insofar as the seller has assumed a greater obligation under the preceding section.

CHAPTER 7. REMEDIES

2701. Remedies for breach of any obligation or promise collateral or ancillary to a contract for sale are not impaired by the provisions of this division.

2702. (1) Where the seller discovers the buyer to be insolvent he may refuse delivery except for cash including payment for all goods theretofore delivered under the contract, and stop delivery under this division (Section 2705).

(2) Where the seller discovers that the buyer has received goods on credit while insolvent he may reclaim the goods upon demand made within 10 days after the receipt, but if misrepresentation of solvency has been made to the particular seller in writing within three months before delivery the 10-day limitation does not apply. Except as provided in this subdivision the seller may not base a right to reclaim goods on the buyer's fraudulent or innocent misrepresentation of solvency or of intent to pay.

(3) The seller's right to reclaim under subdivision (2) is subject to the rights of a buyer in ordinary course or other good faith purchaser under this division (Section 2403). Successful reclamation of goods excludes all other remedies with respect to them.

2703. Where the buyer wrongfully rejects or revokes acceptance of goods or fails to make a payment due on or before delivery or repudiates with respect to a part or the whole, then with respect to any goods directly affected and, if the breach is of the whole contract (Section 2612), then also with respect to the whole undelivered balance, the aggrieved seller may

(a) Withhold delivery of such goods;

(b) Stop delivery by any bailee as hereafter provided (Section 2705);

(c) Proceed under the next section respecting goods still unidentified to the contract;

(d) Resell and recover damages as hereafter provided (Section 2706);

(e) Recover damages for nonacceptance (Section 2708) or in a proper case the price (Section 2709);

(f) Cancel.

2704. (1) An aggrieved seller under the preceding section may

(a) Identify to the contract conforming goods not already identified if at the time he learned of the breach they are in his possession or control;

(b) Treat as the subject of resale goods which have demonstrably been intended for the particular contract even though those goods are unfinished.

(2) Where the goods are unfinished an aggrieved seller may in the exercise of reasonable commercial judgment for the purposes of avoiding loss and of effective realization either complete the manufacture and wholly identify the goods to the contract or cease manufacture and resell for scrap or salvage value or proceed in any other reasonable manner.

2705. (1) The seller may stop delivery of goods in the possession of a carrier or other bailee when he discovers the buyer to be insolvent (Section 2702) and may stop delivery of carload, truckload, planeload or larger shipments of express or freight when the buyer repudiates or fails to make a payment due before delivery or if for any other reason the seller has a right to withhold or reclaim the goods.

(2) As against such buyer the seller may stop delivery until

(a) Receipt of the goods by the buyer; or

(b) Acknowledgment to the buyer by any bailee of the goods except a carrier that the bailee holds the goods for the buyer; or

(c) Such acknowledgment to the buyer by a carrier by reshipment or as warehouseman; or

(d) Negotiation to the buyer of any negotiable document of title covering the goods.

(3) (a) To stop delivery the seller must so notify as to enable the bailee by reasonable diligence to prevent delivery of the goods.

(b) After such notification the bailee must hold and deliver the goods according to the directions of the seller but the seller is liable to the bailee for any ensuing charges or damages.

(c) If a negotiable document of title has been issued for goods the bailee is not obliged to obey a notification to stop until surrender of the document.

(d) A carrier who has issued a nonnegotiable bill of lading is not obliged to obey a notification to stop received from a person other than the consignor.

2706. (1) Under the conditions stated in Section 2703 on seller's remedies, the seller may resell the goods concerned or the undelivered balance thereof. Where the resale is made in good faith and in a commercially reasonable manner the seller may recover the difference between the resale price and the contract price together with any incidental damages allowed under the provisions of this division (Section 2710), but less expenses saved in consequence of the buyer's breach.

(2) Except as otherwise provided in subdivision (3) or unless otherwise agreed resale may be at public or private sale including sale by way of one or more contracts to sell or of

identification to an existing contract of the seller. Sale may be as a unit or in parcels and at any time and place and on any terms but every aspect of the sale including the method, manner, time, place and terms must be commercially reasonable. The resale must be reasonably identified as referring to the broken contract, but it is not necessary that the goods be in existence or that any or all of them have been identified to the contract before the breach.

(3) Where the resale is at private sale the seller must give the buyer reasonable notification of his intention to resell.

(4) Where the resale is at public sale

(a) Only identified goods can be sold except where there is a recognized market for a public sale of futures in goods of the kind; and

(b) It must be made at a usual place or market for public sale if one is reasonably available and except in the case of goods which are perishable or threaten to decline in value speedily the seller must give the buyer reasonable notice of the time and place of the resale; and

(c) If the goods are not to be within the view of those attending the sale the notification of sale must state the place where the goods are located and provide for their reasonable inspection by prospective bidders; and

(d) The seller may buy.

(5) A purchaser who buys in good faith at a resale takes the goods free of any rights of the original buyer even though the seller fails to comply with one or more of the requirements of this section.

(6) The seller is not accountable to the buyer for any profit made on any resale. A person in the position of a seller (Section 2707) or a buyer who has rightfully rejected or justifiably revoked acceptance must account for any excess over the amount of his security interest, as hereinafter defined (subdivision (3) of Section 2711).

2707. (1) A "person in the position of a seller" includes as against a principal an agent who has paid or become responsible for the price of goods on behalf of his principal or anyone who otherwise holds a security interest or other right in goods similar to that of a seller.

(2) A person in the position of a seller may as provided in this division withhold or stop delivery (Section 2705) and resell (Section 2706) and recover incidental damages (Section 2710).

2708. (1) Subject to subdivision (2) and to the provisions of this division with respect to proof of market price (Section 2723), the measure of damages for nonacceptance or repudiation by the buyer is the difference between the market price at the time and place for tender and the unpaid contract price together with any incidental damages provided in this division (Section 2710), but less expenses saved in consequence of the buyer's breach.

(2) If the measure of damages provided in subdivision (1) is inadequate to put the seller in as good a position as performance would have done then the measure of damages is the profit (including reasonable overhead) which the seller would have made from full performance by the buyer, together with any incidental damages provided in this division (Section 2710), due allowance for costs reasonably incurred and due credit for payments or proceeds of resale.

2709. (1) When the buyer fails to pay the price as it becomes due the seller may recover, together with any incidental damages under the next section, the price

(a) Of goods accepted or of conforming goods lost or damaged within a commercially reasonable time after risk of their loss has passed to the buyer; and

(b) Of goods identified to the contract if the seller is unable after reasonable effort to resell them at a reasonable price or the circumstances reasonably indicate that such effort will be unavailing.

(2) Where the seller sues for the price he must hold for the buyer any goods which have been identified to the contract and are still in his control except that if resale becomes possible he may resell them at any time prior to the collection of the judgment. The net proceeds of any such resale must be credited to the buyer and payment of the judgment entitles him to any goods not resold.

(3) After the buyer has wrongfully rejected or revoked acceptance of the goods or has failed to make a payment due or has repudiated (Section 2610), a seller who is held not entitled to the price under this section shall nevertheless be awarded damages for nonacceptance under the preceding section.

2710. Incidental damages to an aggrieved seller include any commercially reasonable charges, expenses or commissions incurred in stopping delivery, in the transportation, care and custody of goods after the buyers' breach, in connection with return or resale of the goods or otherwise resulting from the breach.

2711. (1) Where the seller fails to make delivery or repudiates or the buyer rightfully rejects or justifiably revokes acceptance then with respect to any goods involved, and with respect to the whole if the breach goes to the whole contract (Section 2612), the buyer may cancel and whether or not he has done so may in addition to recovering so much of the price as has been paid

(a) "Cover" and have damages under the next section as to all the goods affected whether or not they have been identified to the contract; or

(b) Recover damages for nondelivery as provided in this division (Section 2713).

(2) Where the seller fails to deliver or repudiates the buyer may also

(a) If the goods have been identified recover them as provided in this division (Section 2502); or

(b) In a proper case obtain specific performance or replevy the goods as provided in this division (Section 2716).

(3) On rightful rejection or justifiable revocation of acceptance a buyer has a security interest in goods in his possession or control for any payments made on their price and any expenses reasonably incurred in their inspection, receipt, transportation, care and custody and may hold such goods and resell them in like manner as an aggrieved seller (Section 2706).

2712. (1) After a breach within the preceding section the buyer may "cover" by making in good faith and without unreasonable delay any reasonable purchase of or contract to purchase goods in substitution for those due from the seller.

(2) The buyer may recover from the seller as damages the difference between the cost of cover and the contract price together with any incidental or consequential damages as hereinafter defined (Section 2715), but less expenses saved in consequence of the seller's breach.

(3) Failure of the buyer to effect cover within this section does not bar him from any other remedy.

2713. (1) Subject to the provisions of this division with respect to proof of market price (Section 2723), the measure of damages for nondelivery or repudiation by the seller is the difference between the market price at the time when the buyer learned of the breach and the contract price together with any incidental and consequential damages provided in this division (Section 2715), but less expenses saved in consequence of the seller's breach.

(2) Market price is to be determined as of the place for tender or, in cases of rejection after arrival or revocation of acceptance, as of the place of arrival.

2714. (1) Where the buyer has accepted goods and given notification (subdivision (3) of Section 2607) he may recover as damages for any nonconformity of tender the loss resulting in the ordinary course of events from the seller's breach as determined in any manner which is reasonable.

(2) The measure of damages for breach of warranty is the difference at the time and place of acceptance between the value of the goods accepted and the value they would have had if they had been as warranted, unless special circumstances show proximate damages of a different amount.

(3) In a proper case any incidental and consequential damages under the next section may also be recovered.

2715. (1) Incidental damages resulting from the seller's breach include expenses reasonably incurred in inspection, receipt, transportation and care and custody of goods rightfully rejected, any commercially reasonable charges, expenses or commissions in connection with effecting cover and any other reasonable expense incident to the delay or other breach

(2) Consequential damages resulting from the seller's breach include

(a) Any loss resulting from general or particular requirements and needs of which the seller at the time of contracting had reason to know and which could not reasonably be prevented by cover or otherwise; and

(b) Injury to person or property proximately resulting from any breach of warranty.

2716. (1) Specific performance may be decreed where the goods are unique or in other proper circumstances.

(2) The decree for specific performance may include such terms and conditions as to payment of the price, damages, or other relief as the court may deem just.

(3) The buyer has a right of replevin for goods identified to the contract if after reasonable effort he is unable to effect cover for such goods or the circumstances reasonably indicate that such effort will be unavailing or if the goods have been shipped under reservation and satisfaction of the security interest in them has been made or tendered.

2717. The buyer on notifying the seller of his intention to do so may deduct all or any part of the damages resulting from any breach of the contract from any part of the price still due under the same contract.

2718. (1) Damages for breach by either party may be liquidated in the agreement but only at an amount which is reasonable in the light of the anticipated or actual harm caused by the breach, the difficulties of proof of loss, and the inconvenience or nonfeasibility of otherwise obtaining an adequate remedy. A term fixing unreasonably large liquidated damages is void as a penalty.

(2) Where the seller justifiably withholds delivery of goods because of the buyer's breach, the buyer is entitled to restitution of any amount by which the sum of his payments exceeds

(a) The amount to which the seller is entitled by virtue of terms liquidating the seller's damages in accordance with subdivision (1), or

(b) In the absence of such terms, 20 percent of the value of the total performance for which the buyer is obligated under the contract or five hundred dollars ($500), whichever is smaller.

(3) The buyer's right to restitution under subdivision (2) is subject to offset to the extent that the seller establishes

(a) A right to recover damages under the provisions of this chapter other than subdivision (1), and

(b) The amount or value of any benefits received by the buyer directly or indirectly by reason of the contract.

(4) Where a seller has received payment in goods their reasonable value or the proceeds of their resale shall be treated as payments for the purposes of subdivision (2); but if the seller has notice of the buyer's breach before reselling goods received in part performance, his resale is subject to the conditions laid down in this division on resale by an aggrieved seller (Section 2706).

2719. (1) Subject to the provisions of subdivisions (2) and (3) of this section and of the preceding section on liquidation and limitation of damages,

(a) The agreement may provide for remedies in addition to or in substitution for those provided in this division and may limit or alter the measure of damages recoverable under this division, as by limiting the buyer's remedies to return of the goods and repayment of the price or to repair and replacement of nonconforming goods or parts; and

(b) Resort to a remedy as provided is optional unless the remedy is expressly agreed to be exclusive, in which case it is the sole remedy.

(2) Where circumstances cause an exclusive or limited remedy to fail of its essential purpose, remedy may be had as provided in this code.

(3) Consequential damages may be limited or excluded unless the limitation or exclusion is unconscionable. Limitation of consequential damages for injury to the person in the case of consumer goods is prima facie unconscionable but limitation of damages where the loss is commercial is not.

2720. Unless the contrary intention clearly appears, expressions of "cancellation" or "rescission" of the contract or the like shall not be construed as a renunciation or discharge of any claim in damages for an antecedent breach.

2721. Remedies for material misrepresentation or fraud include all remedies available under this division for nonfraudulent breach. Neither rescission or a claim for rescission of the contract for sale nor rejection or return of the goods shall bar or be deemed inconsistent with a claim for damages or other remedy.

2722. Where a third party so deals with goods which have been identified to a contract for sale as to cause actionable injury to a party to that contract

(a) A right of action against the third party is in either party to the contract for sale who has title to or a security interest or a special property or an insurable interest in the goods; and if the goods have been destroyed or converted a right of action is also in the party who either bore the risk of loss under the contract for sale or has since the injury assumed that risk as against the other;

(b) If at the time of the injury the party plaintiff did not bear the risk of loss as against the other party to the contract for sale and there is no arrangement between them for disposition of the recovery, his suit or settlement is, subject to his own interest, as a fiduciary for the other party to the contract;

(c) Either party may with the consent of the other sue for the benefit of whom it may concern.

2723. (1) If an action based on anticipatory repudiation comes to trial before the time for performance with respect to some or all of the goods, any damages based on market price (Section 2708 or Section 2713) shall be determined according

to the price of such goods prevailing at the time when the aggrieved party learned of the repudiation.

(2) If evidence of a price prevailing at the times or places described in this division is not readily available the price prevailing within any reasonable time before or after the time described or at any other place which in commercial judgment or under usage of trade would serve as a reasonable substitute for the one described may be used, making any proper allowance for the cost of transporting the goods to or from such other place.

(3) Evidence of a relevant price prevailing at a time or place other than the one described in this division offered by one party is not admissible unless and until he has given the other party such notice as the court finds sufficient to prevent unfair surprise.

2724. Whenever the prevailing price or value of any goods regularly bought and sold in any established commodity market is in issue, reports in official publications or trade journals or in newspapers or periodicals of general circulation published as the reports of such market shall be admissible in evidence. The circumstances of the preparation of such a report may be shown to affect its weight but not its admissibility.

DIVISION 3. COMMERCIAL PAPER

CHAPTER 1. SHORT TITLE, FORM AND INTERPRETATION

3101. This division shall be known and may be cited as Uniform Commercial Code—Commercial Paper.

3102. (1) In this division unless the context otherwise requires

(a) "Issue" means the first delivery of an instrument to a holder or a remitter.

(b) An "order" is a direction to pay and must be more than an authorization or request. It must identify the person to pay with reasonable certainty. It may be addressed to one or more such persons jointly or in the alternative but not in succession.

(c) A "promise" is an undertaking to pay and must be more than an acknowledgment of an obligation.

(d) "Secondary party" means a drawer or endorser.

(e) "Instrument" means a negotiable instrument.

(2) Other definitions applying to this division and the sections in which they appear are:

"Acceptance." Section 3410.

"Accommodation party." Section 3415.

"Alteration." Section 3407.

"Certificate of deposit." Section 3104.

"Certification." Section 3411.

"Check." Section 3104.

"Definite time." Section 3109.

"Dishonor." Section 3507.

"Draft." Section 3104.
"Holder in due course." Section 3302.
"Negotiation." Section 3202.
"Note." Section 3104.
"Notice of dishonor." Section 3508
"On demand." Section 3108.
"Presentment." Section 3504.
"Protest." Section 3509.
"Restrictive indorsement." Section 3205.
"Signature." Section 3401.

(3) The following definitions in other divisions apply to this division:

"Account." Section 4104.
"Banking day." Section 4104.
"Clearinghouse." Section 4104.
"Collecting bank." Section 4105.
"Customer." Section 4104.
"Depositary bank" Section 4105.
"Documentary draft." Section 4104.
"Intermediary bank." Section 4105.
"Item." Section 4104.
"Midnight deadline." Section 4104.
"Payor bank." Section 4105.

(4) In addition Division 1 contains general definitions and principles of construction and interpretation applicable throughout this division.

3103. (1) This division does not apply to money, documents of title or investment securities

(2) The provisions of this division are subject to the provisions of the division on bank deposits and collections (Division 4) and secured transactions (Division 9)

3104. (1) Any writing to be a negotiable instrument within this division must

(a) Be signed by the maker or drawer; and

(b) Contain an unconditional promise or order to pay a sum certain in money and no other promise, order, obligation or power given by the maker or drawer except as authorized by this division; and

(c) Be payable on demand or at a definite time; and

(d) Be payable to order or to bearer.

(2) A writing which complies with the requirements of this section is

(a) A "draft" ("bill of exchange") if it is an order;

(b) A "check" if it is a draft drawn on a bank and payable on demand;

(c) A "certificate of deposit" if it is an acknowledgment by a bank of receipt of money with an engagement to repay it;

(d) A "note" if it is a promise other than a certificate of deposit.

(3) As used in other divisions of this code, and as the context may require, the terms "draft," "check," "certificate of deposit" and "note" may refer to instruments which are

not negotiable within this division as well as to instruments which are so negotiable.

3105. (1) A promise or order otherwise unconditional is not made conditional by the fact that the instrument

(a) Is subject to implied or constructive conditions; or

(b) States its consideration, whether performed or promised, or the transaction which gave rise to the instrument, or that the promise or order is made or the instrument matures in accordance with or "as per" such transaction; or

(c) Refers to or states that it arises out of a separate agreement or refers to a separate agreement for rights as to prepayment or acceleration; or

(d) States that it is drawn under a letter of credit; or

(e) States that it is secured, whether by mortgage, reservation of title or otherwise; or

(f) Indicates a particular account to be debited or any other fund or source from which reimbursement is expected; or

(g) Is limited to payment out of a particular fund or the proceeds of a particular source, if the instrument is issued by a government or governmental agency or unit; or

(h) Is limited to payment out of the entire assets of a partnership, unincorporated association, trust or estate by or on behalf of which the instrument is issued.

(2) A promise or order is not unconditional if the instrument

(a) States that it is subject to or governed by any other agreement; or

(b) States that it is to be paid only out of a particular fund or source except as provided in this section.

3106. (1) The sum payable is a sum certain even though it is to be paid

(a) With stated interest or by stated installments; or

(b) With stated different rates of interest before and after default or a specified date; or

(c) With a stated discount or addition if paid before or after the date fixed for payment; or

(d) With exchange or less exchange, whether at a fixed rate or at the current rate; or

(e) With costs of collection or an attorney's fee or both upon default.

(2) Nothing in this section shall validate any term which is otherwise illegal.

3107. (1) An instrument is payable in money if the medium of exchange in which it is payable is money at the time the instrument is made. An instrument payable in "currency" or "current funds" is payable in money.

(2) A promise or order to pay a sum stated in a foreign currency is for a sum certain in money and may be satisfied by payment of that number of dollars which the stated foreign currency will purchase at the buying sight rate for that currency on the day on which the instrument is payable or, if payable on demand, on the day of demand.

3108. Instruments payable on demand include those payable at sight or on presentation and those in which no time for payment is stated.

3109. (1) An instrument is payable at a definite time if by its terms it is payable

(a) On or before a stated date or at a fixed period after a stated date; or

(b) At a fixed period after sight; or

(c) At a definite time subject to any acceleration; or

(d) At a definite time subject to extension at the option of the holder, or to extension to a further definite time at the option of the maker or acceptor or automatically upon or after a specified act or event.

(2) An instrument which by its terms is otherwise payable only upon an act or event uncertain as to time of occurrence is not payable at a definite time even though the act or event has occurred.

3110. (1) An instrument is payable to order when by its terms it is payable to the order or assigns of any person therein specified with reasonable certainty, or to him or his order, or when it is conspicuously designated on its face as "exchange" or the like and names a payee. It may be payable to the order of

(a) The maker or drawer; or

(b) The drawee; or

(c) A payee who is not maker, drawer or drawee; or

(d) Two or more payees together or in the alternative; or

(e) An estate, trust or fund, in which case it is payable to the order of the representative of such estate, trust or fund or his successors; or

(f) An office, or an officer by his title as such in which case it is payable to the principal but the incumbent of the office or his successors may act as if he or they were the holder; or

(g) A partnership or unincorporated association, in which case it is payable to the partnership or association and may be indorsed or transferred by any person thereto authorized.

(2) An instrument not payable to order is not made so payable by such words as "payable upon return of this instrument properly indorsed."

(3) An instrument made payable both to order and to bearer is payable to order unless the bearer words are handwritten or typewritten.

3111. An instrument is payable to bearer when by its terms it is payable to

(a) Bearer or the order of bearer; or

(b) A specified person or bearer; or

(c) "Cash" or the order of "cash," or any other indication which does not purport to designate a specific payee.

3112. (1) The negotiability of an instrument is not affected by

(a) The omission of a statement of any consideration or of the place where the instrument is drawn or payable; or

(b) A statement that collateral has been given to secure obligations either on the instrument or otherwise of an obligor on the instrument or in case of default on such obligations the holder may realize on or dispose of the collateral; or

(c) A promise or power to maintain or protect collateral, to give additional collateral, to furnish financial information or to do or refrain from doing any other act for the protection of the obligation expressed in the instrument not involving the payment of money on account of the indebtedness evidenced by the instrument; or

(d) A term authorizing a confession of judgment on the instrument if it is not paid when due; or

(e) A term purporting to waive the benefit of any law intended for the advantage or protection of any obligor; or

(f) A term in a draft providing that the payee by indorsing or cashing it acknowledges full satisfaction of an obligation of the drawer; or

(g) A statement in a draft drawn in a set of parts (Section 3801) to the effect that the order is effective only if no other part has been honored.

(2) Nothing in this section shall validate any term which is otherwise illegal.

3113. An instrument otherwise negotiable is within this division even though it is under a seal.

3114. (1) The negotiability of an instrument is not affected by the fact that it is undated, antedated or postdated.

(2) Where an instrument is antedated or postdated the time when it is payable is determined by the stated date if the instrument is payable on demand or at a fixed period after date.

(3) Where the instrument or any signature thereon is dated, the date is presumed to be correct.

3115. (1) When a paper whose contents at the time of signing show that it is intended to become an instrument is signed while still incomplete in any necessary respect it cannot be enforced until completed, but when it is completed in accordance with authority given it is effective as completed.

(2) If the completion is unauthorized the rules as to material alteration apply (Section 3407), even though the paper was not delivered by the maker or drawer; but the burden of establishing that any completion is unauthorized is on the party so asserting.

3116. An instrument payable to the order of two or more persons

(a) If in the alternative is payable to any one of them and may be negotiated, discharged or enforced by any of them who has possession of it;

(b) If not in the alternative is payable to all of them and may be negotiated, discharged or enforced only by all of them.

3117. An instrument made payable to a named person with the addition of words describing him

(a) As agent or officer of a specified person is payable to his principal but the agent or officer may act as if he were the holder;

(b) As any other fiduciary for a specified person or purpose is payable to the payee and may be negotiated, discharged or enforced by him;

(c) In any other manner is payable to the payee unconditionally and the additional words are without effect on subsequent parties.

3118. The following rules apply to every instrument:

(a) Where there is doubt whether the instrument is a draft or a note the holder may treat it as either. A draft drawn on the drawer is effective as a note.

(b) Handwritten terms control typewritten and printed terms, and typewritten control printed.

(c) Words control figures except that if the words are ambiguous figures control.

(d) Unless otherwise specified a provision for interest means interest at the judgment rate at the place of payment from the date of the instrument, or if it is undated from the date of issue.

(e) Unless the instrument otherwise specifies two or more persons who sign as maker, acceptor or drawer or indorser and as a part of the same transaction are jointly and severally liable even though the instrument contains such words as "I promise to pay."

(f) Unless otherwise specified consent to extension authorizes a single extension for not longer than the original period. A consent to extension, expressed in the instrument, is binding on secondary parties and accommodation makers. A holder may not exercise his option to extend an instrument over the objection of a maker or acceptor or other party who in accordance with Section 3604 tenders full payment when the instrument is due.

3119. (1) As between the obligor and his immediate obligee or any transferee the terms of an instrument may be modified or affected by any other written agreement executed as a part of the same transaction, except that a holder in due course is not affected by any limitation of his rights arising out of the separate written agreement if he had no notice of the limitation when he took the instrument.

(2) A separate agreement does not affect the negotiability of an instrument.

3120. An instrument which states that it is "payable through" a bank or the like designates that bank as a collecting bank to make presentment but does not of itself authorize the bank to pay the instrument.

3121. An instrument which states that it is payable at a bank is not of itself an order or authorization to the bank to pay it unless the bank is the drawee.

3122. (1) A cause of action against a maker or an acceptor accrues

(a) In the case of a time instrument on the day after maturity;

(b) In the case of a demand instrument upon its date or, if no date is stated, on the date of issue.

(2) A cause of action against the obligor of a demand or time certificate of deposit accrues upon demand, but demand on a time certificate may not be made until on or after the date of maturity.

(3) A cause of action against a drawer of a draft or an indorser of any instrument accrues upon demand following dishonor of the instrument. Notice of dishonor is a demand.

(4) Unless an instrument provides otherwise, interest runs at the rate provided by law for a judgment

(a) In the case of a maker, acceptor or other primary obligor of a demand instrument, from the date of demand;

(b) In all other cases from the date of accrual of the cause of action.

3123. Every instrument is payable at the time fixed therein without grace. When the day of maturity falls upon Sunday, Saturday or a holiday, the instrument is payable on the next succeeding business day which is not a Saturday. Where the day of maturity of the instrument falls on an optional bank holiday or the instrument would except for the foregoing provision be payable on an optional bank holiday and it is payable by or at a banking house or any branch or separate office thereof, and the particular banking house or branch or separate office thereof by or at which the instrument is payable is open for the transaction of business on such optional bank holiday, the holder of the instrument may at his option present the instrument for payment at the banking house or branch or separate office thereof by or at which the instrument is payable on the optional bank holiday or on the next succeeding business day which is not a Saturday. An instrument payable on demand is not to be presented for payment on Sunday, Saturday, or a holiday but is to be presented for payment on the next succeeding business day which is not a Saturday, except that where the instrument is payable by or at a banking house or any branch or separate office thereof and the particular banking house or branch or separate office thereof by or at which the instrument is payable is open for the transaction of business on an optional bank holiday, the holder of the instrument may at his option present the instrument for payment at the banking house or branch or separate office thereof by or at which the instrument is payable on such optional bank holiday or on the next succeeding business day which is not a Saturday. For the purpose of this section an optional bank holiday is every holiday referred to in Sections 6700 and 6701 of the Government Code, except the following: January 1st, May 30th, July 4th, September 9th, known as "Admission Day," and December 25th, any Monday following any Sunday on which any such day falls, the first Monday in

September, Good Friday from 12 noon until 3 p.m., the Thursday in November appointed as Thanksgiving Day, and every Sunday.

CHAPTER 2. TRANSFER AND NEGOTIATION

3201. (1) Transfer of an instrument vests in the transferee such rights as the transferor has therein, except that a transferee who has himself been a party to any fraud or illegality affecting the instrument or who as a prior holder had notice of a defense or claim against it cannot improve his position by taking from a later holder in due course.

(2) A transfer of a security interest in an instrument vests the foregoing rights in the transferee to the extent of the interest transferred.

(3) Unless otherwise agreed any transfer for value of an instrument not then payable to bearer gives the transferee the specifically enforceable right to have the unqualified indorsement of the transferor. Negotiation takes effect only when the indorsement is made and until that time there is no presumption that the transferee is the owner.

3202. (1) Negotiation is the transfer of an instrument in such form that the transferee becomes a holder. If the instrument is payable to order it is negotiated by delivery with any necessary indorsement; if payable to bearer it is negotiated by delivery.

(2) An indorsement must be written by or on behalf of the holder and on the instrument or on a paper so firmly affixed thereto as to become a part thereof

(3) An indorsement is effective for negotiation only when it conveys the entire instrument or any unpaid residue. If it purports to be of less it operates only as a partial assignment.

(4) Words of assignment, condition, waiver, guaranty, limitation or disclaimer of liability and the like accompanying an indorsement do not affect its character as an indorsement.

3203. Where an instrument is made payable to a person under a misspelled name or one other than his own he may indorse in that name or his own or both; but signature in both names may be required by a person paying or giving value for the instrument.

3204. (1) A special endorsement specifies the person to whom or to whose order it makes the instrument payable. Any instrument specially indorsed becomes payable to the order of the special indorsee and may be further negotiated only by his indorsement.

(2) An indorsement in blank specifies no particular indorsee and may consist of a mere signature An instrument payable to order and indorsed in blank becomes payable to bearer and may be negotiated by delivery alone until specially indorsed.

(3) The holder may convert a blank indorsement into a special indorsement by writing over the signature of the indorser

in blank any contract consistent with the character of the indorsement.

3205. An indorsement is restrictive which either

(a) Is conditional; or

(b) Purports to prohibit further transfer of the instrument; or

(c) Includes the words "for collection," "for deposit," "pay any bank," or like terms signifying a purpose of deposit or collection; or

(d) Otherwise states that it is for the benefit or use of the indorser or of another person.

3206. (1) No restrictive indorsement prevents further transfer or negotiation of the instrument.

(2) An intermediary bank, or a payor bank which is not the depositary bank, is neither given notice nor otherwise affected by a restrictive indorsement of any person except the bank's immediate transferor or the person presenting for payment.

(3) Except for an intermediary bank, any transferee under an indorsement which is conditional or includes the words "for collection," "for deposit," "pay any bank," or like terms (paragraphs (a) and (c) of Section 3205) must pay or apply any value given by him for or on the security of the instrument consistently with the indorsement and to the extent that he does so he becomes a holder for value. In addition such transferee is a holder in due course if he otherwise complies with the requirements of Section 3302 on what constitutes a holder in due course.

(4) The first taker under an indorsement for the benefit of the indorser or another person (paragraph (d) of Section 3205) must pay or apply any value given by him for or on the security of the instrument consistently with the indorsement and to the extent that he does so he becomes a holder for value. In addition such taker is a holder in due course if he otherwise complies with the requirements of Section 3302 on what constitutes a holder in due course. A later holder for value is neither given notice nor otherwise affected by such restrictive indorsement unless he has knowledge that a fiduciary or other person has negotiated the instrument in any transaction for his own benefit or otherwise in breach of duty (subdivision (2) of Section 3304).

3207. (1) Negotiation is effective to transfer the instrument although the negotiation is

(a) Made by an infant, a corporation exceeding its powers, or any other person without capacity; or

(b) Obtained by fraud, duress or mistake of any kind; or

(c) Part of an illegal transaction; or

(d) Made in breach of duty.

(2) Except as against a subsequent holder in due course such negotiation is in an appropriate case subject to rescission, the declaration of a constructive trust or any other remedy permitted by law.

3208. Where an instrument is returned to or reacquired by a prior party he may cancel any indorsement which is not necessary to his title and reissue or further negotiate the instrument, but any intervening party is discharged as against the reacquiring party and subsequent holders not in due course and if his indorsement has been cancelled is discharged as against subsequent holders in due course as well.

CHAPTER 3. RIGHTS OF A HOLDER

3301 The holder of an instrument whether or not he is the owner may transfer or negotiate it and, except as otherwise provided in Section 3603 on payment or satisfaction, discharge it or enforce payment in his own name.

3302 (1) A holder in due course is a holder who takes the instrument

(a) For value; and

(b) In good faith; and

(c) Without notice that it is overdue or has been dishonored or of any defense against or claim to it on the part of any person.

(2) A payee may be a holder in due course.

(3) A holder does not become a holder in due course of an instrument:

(a) By purchase of it at judicial sale or by taking it under legal process; or

(b) By acquiring it in taking over an estate; or

(c) By purchasing it as part of a bulk transaction not in regular course of business of the transferor.

(4) A purchaser of a limited interest can be a holder in due course only to the extent of the interest purchased.

3303. A holder takes the instrument for value

(a) To the extent that the agreed consideration has been performed or that he acquires a security interest in or a lien on the instrument otherwise than by legal process; or

(b) When he takes the instrument in payment of or as security for an antecedent claim against any person whether or not the claim is due; or

(c) When he gives a negotiable instrument for it or makes an irrevocable commitment to a third person.

3304. (1) The purchaser has notice of a claim or defense if

(a) The instrument is so incomplete, bears such visible evidence of forgery or alteration, or is otherwise so irregular as to call into question its validity, terms or ownership or to create an ambiguity as to the party to pay; or

(b) The purchaser has notice that the obligation of any party is voidable in whole or in part, or that all parties have been discharged.

(2) The purchaser has notice of a claim against the instrument when he has knowledge that a fiduciary has negotiated

the instrument in payment of or as security for his own debt or in any transaction for his own benefit or otherwise in breach of duty.

(3) The purchaser has notice that an instrument is overdue if he has reason to know

(a) That any part of the principal amount is overdue or that there is an uncured default in payment of another instrument of the same series; or

(b) That acceleration of the instrument has been made; or

(c) That he is taking a demand instrument after demand has been made or more than a reasonable length of time after its issue. A reasonable time for a check drawn and payable within the states and territories of the United States and the District of Columbia is presumed to be 30 days.

(4) Knowledge of the following facts does not of itself give the purchaser notice of a defense or claim

(a) That the instrument is antedated or postdated;

(b) That it was issued or negotiated in return for an executory promise or accompanied by a separate agreement, unless the purchaser has notice that a defense or claim has arisen from the terms thereof;

(c) That any party has signed for accommodation;

(d) That an incomplete instrument has been completed, unless the purchaser has notice of any improper completion;

(e) That any person negotiating the instrument is or was a fiduciary;

(f) That there has been default in payment of interest on the instrument or in payment of any other instrument, except one of the same series.

(5) The filing or recording of a document does not of itself constitute notice within the provisions of this division to a person who would otherwise be a holder in due course.

(6) To be effective notice must be received at such time and in such manner as to give a reasonable opportunity to act on it.

3305. To the extent that a holder is a holder in due course he takes the instrument free from

(1) All claims to it on the part of any person; and

(2) All defenses of any party to the instrument with whom the holder has not dealt except

(a) Infancy, to the extent that it is a defense to a simple contract; and

(b) Such other incapacity, or duress, or illegality of the transaction, as renders the obligation of the party a nullity; and

(c) Such misrepresentation as has induced the party to sign the instrument with neither knowledge nor reasonable opportunity to obtain knowledge of its character or its essential terms; and

(d) Discharge in insolvency proceedings; and

(e) Any other discharge of which the holder has notice when he takes the instrument.

3306. Unless he has the rights of a holder in due course any person takes the instrument subject to

(a) All valid claims to it on the part of any person; and

(b) All defenses of any party which would be available in an action on a simple contract; and

(c) The defenses of want or failure of consideration (Section 3408), nonperformance of any condition precedent, nondelivery, or delivery for a special purpose; and

(d) The defense that he or a person through whom he holds the instrument acquired it by theft, or that payment or satisfaction to such holder would be inconsistent with the terms of a restrictive indorsement The claim of any third person to the instrument is not otherwise available as a defense to any party liable thereon unless the third person himself defends the action for such party.

3307. (1) Unless specifically denied in the pleadings each signature on an instrument is admitted. When the effectiveness of a signature is put in issue

(a) The burden of establishing it is on the party claiming under the signature; but

(b) The signature is presumed to be genuine or authorized except where the action is to enforce the obligation of a purported signer who has died or become incompetent before proof is required.

(2) When signatures are admitted or established, production of the instrument entitles a holder to recover on it unless the defendant establishes a defense.

(3) After it is shown that a defense exists a person claiming the rights of a holder in due course has the burden of establishing that he or some person under whom he claims is in all respects a holder in due course.

CHAPTER 4. LIABILITY OF PARTIES

3401. (1) No person is liable on an instrument unless his signature appears thereon.

(2) A signature is made by use of any name, including any trade or assumed name, upon an instrument, or by any word or mark used in lieu of a written signature.

3402. Unless the instrument clearly indicates that a signature is made in some other capacity it is an indorsement.

3403. (1) A signature may be made by an agent or other representative, and his authority to make it may be established as in other cases of representation No particular form of appointment is necessary to establish such authority.

(2) An authorized representative who signs his own name to an instrument

(a) Is personally obligated if the instrument neither names the person represented nor shows that the representative signed in a representative capacity;

(b) Except as otherwise established between the immediate parties, is personally obligated if the instrument names the

person represented but does not show that the representative signed in a representative capacity, or if the instrument does not name the person represented but does show that the representative signed in a representative capacity.

(3) Except as otherwise established the name of an organization preceded or followed by the name and office of an authorized individual is a signature made in a representative capacity.

3404. (1) Any unauthorized signature is wholly inoperative as that of the person whose name is signed unless he ratifies it or is precluded from denying it; but it operates as the signature of the unauthorized signer in favor of any person who in good faith pays the instrument or takes it for value.

(2) Any unauthorized signature may be ratified for all purposes of this division. Such ratification does not of itself affect any rights of the person ratifying against the actual signer.

3405. (1) An indorsement by any person in the name of a named payee is effective if

(a) An imposter by use of the mails or otherwise has induced the maker or drawer to issue the instrument to him or his confederate in the name of the payee; or

(b) A person signing as or on behalf of a maker or drawer intends the payee to have no interest in the instrument; or

(c) An agent or employee of the maker or drawer has supplied him with the name of the payee intending the latter to have no such interest.

(2) Nothing in this section shall affect the criminal or civil liability of the person so indorsing.

3406. Any person who by his negligence substantially contributes to a material alteration of the instrument or to the making of an unauthorized signature is precluded from asserting the alteration or lack of authority against a holder in due course or against a drawee or other payor who pays the instrument in good faith and in accordance with the reasonable commercial standards of the drawee's or payor's business.

3407. (1) Any alteration of an instrument is material which changes the contract of any party thereto in any respect, including any such change in

(a) The number or relations of the parties; or

(b) An incomplete instrument, by completing it otherwise than as authorized; or

(c) The writing as signed, by adding to it or by removing any part of it.

(2) As against any person other than a subsequent holder in due course

(a) Alteration by the holder which is both fraudulent and material discharges any party whose contract is thereby changed unless that party assents or is precluded from asserting the defense;

(b) No other alteration discharges any party and the instrument may be enforced according to its original tenor, or as to incomplete instruments according to the authority given.

(3) A subsequent holder in due course may in all cases enforce the instrument according to its original tenor, and when an incomplete instrument has been completed, he may enforce it as completed.

3408. Want or failure of consideration is a defense as against any person not having the rights of a holder in due course (Section 3302), except that no consideration is necessary for an instrument or obligation thereon given in payment of or as security for an antecedent obligation of any kind. Nothing in this section shall be taken to displace any statute outside this code under which a promise is enforceable notwithstanding lack or failure of consideration. Partial failure of consideration is a defense pro tanto whether or not the failure is in an ascertained or liquidated amount.

3409. (1) A check or other draft does not of itself operate as an assignment of any funds in the hands of the drawee available for its payment, and the drawee is not liable on the instrument until he accepts it.

(2) Nothing in this section shall affect any liability in contract, tort or otherwise arising from any letter of credit or other obligation or representation which is not an acceptance.

3410. (1) Acceptance is the drawee's signed engagement to honor the draft as presented. It must be written on the draft, and may consist of his signature alone. It becomes operative when completed by delivery or notification.

(2) A draft may be accepted although it has not been signed by the drawer or is otherwise incomplete or is overdue or has been dishonored.

(3) Where the draft is payable at a fixed period after sight and the acceptor fails to date his acceptance the holder may complete it by supplying a date in good faith.

3411. (1) Certification of a check is acceptance. Where a holder procures certification the drawer and all prior indorsers are discharged.

(2) Unless otherwise agreed a bank has no obligation to certify a check.

(3) A bank may certify a check before returning it for lack of proper indorsement. If it does so the drawer is discharged.

3412. (1) Where the drawee's proffered acceptance in any manner varies the draft as presented the holder may refuse the acceptance and treat the draft as dishonored in which case the drawee is entitled to have his acceptance canceled.

(2) The terms of the draft are not varied by an acceptance to pay at any particular bank or place in the United States, unless the acceptance states that the draft is to be paid only at such bank or place.

(3) Where the holder assents to an acceptance varying the terms of the draft each drawer and indorser who does not affirmatively assent is discharged.

3413. (1) The maker or acceptor engages that he will pay the instrument according to its tenor at the time of his engagement or as completed pursuant to Section 3115 on incomplete instruments.

(2) The drawer engages that upon dishonor of the draft and any necessary notice of dishonor or protest he will pay the amount of the draft to the holder or to any indorser who takes it up. The drawer may disclaim this liability by drawing without recourse.

(3) By making, drawing or accepting the party admits as against all subsequent parties including the drawee the existence of the payee and his then capacity to indorse.

3414. (1) Unless the indorsement otherwise specifies (as by such words as "without recourse") every indorser engages that upon dishonor and any necessary notice of dishonor and protest he will pay the instrument according to its tenor at the time of his indorsement to the holder or to any subsequent indorser who takes it up, even though the indorser who takes it up was not obligated to do so.

(2) Unless they otherwise agree indorsers are liable to one another in the order in which they indorse, which is presumed to be the order in which their signatures appear on the instrument.

3415. (1) An accommodation party is one who signs the instrument in any capacity for the purpose of lending his name to another party to it.

(2) When the instrument has been taken for value before it is due the accommodation party is liable in the capacity in which he has signed even though the taker knows of the accommodation.

(3) As against a holder in due course and without notice of the accommodation oral proof of the accommodation is not admissible to give the accommodation party the benefit of discharges dependent on his character as such. In other cases the accommodation character may be shown by oral proof.

(4) An indorsement which shows that it is not in the chain of title is notice of its accommodation character.

(5) An accommodation party is not liable to the party accommodated, and if he pays the instrument has a right of recourse on the instrument against such party.

3416. (1) "Payment guaranteed" or equivalent words added to a signature mean that the signer engages that if the instrument is not paid when due he will pay it according to its tenor without resort by the holder to any other party.

(2) "Collection guaranteed" or equivalent words added to a signature mean that the signer engages that if the instrument is not paid when due he will pay it according to its tenor, but only after the holder has reduced his claim against the maker or acceptor to judgment and execution has been returned unsatisfied, or after the maker or acceptor has become insolvent or it is otherwise apparent that it is useless to proceed against him.

(3) Words of guaranty which do not otherwise specify guarantee payment.

(4) No words of guaranty added to the signature of a sole maker or acceptor affect his liability on the instrument. Such words added to the signature of one of two or more makers or acceptors create a presumption that the signature is for the accommodation of the others.

(5) When words of guaranty are used presentment, notice of dishonor and protest are not necessary to charge the user.

(6) Any guaranty written on the instrument is enforceable notwithstanding any statute of frauds.

3417. (1) Any person who obtains payment or acceptance and any prior transferor warrants to a person who in good faith pays or accepts that

(a) He has a good title to the instrument or is authorized to obtain payment or acceptance on behalf of one who has a good title; and

(b) He has no knowledge that the signature of the maker or drawer is unauthorized, except that this warranty is not given by a holder in due course acting in good faith

(i) To a maker with respect to the maker's own signature; or

(ii) To a drawer with respect to the drawer's own signature, whether or not the drawer is also the drawee; or

(iii) To an acceptor of a draft if the holder in due course took the draft after the acceptance or obtained the acceptance without knowledge that the drawer's signature was unauthorized; and

(c) The instrument has not been materially altered, except that this warranty is not given by a holder in due course acting in good faith

(i) To the maker of a note; or

(ii) To the drawer of a draft whether or not the drawer is also the drawee; or

(iii) To the acceptor of a draft with respect to an alteration made prior to the acceptance if the holder in due course took the draft after the acceptance, even though the acceptance provided "payable as originally drawn" or equivalent terms; or

(iv) To the acceptor of a draft with respect to an alteration made after the acceptance.

(2) Any person who transfers an instrument and receives consideration warrants to his transferee and if the transfer is by indorsement to any subsequent holder who takes the instrument in good faith that

(a) He has a good title to the instrument or is authorized to obtain payment or acceptance on behalf of one who has a good title and the transfer is otherwise rightful; and

(b) All signatures are genuine or authorized; and

(c) The instrument has not been materially altered; and

(d) No defense of any party is good against him; and

(e) He has no knowledge of any insolvency proceeding instituted with respect to the maker or acceptor or the drawer of an unaccepted instrument.

(3) By transferring "without recourse" the transferor limits the obligation stated in subdivision (2)(d) to a warranty that he has no knowledge of such a defense.

(4) A selling agent or broker who does not disclose the fact that he is acting only as such gives the warranties provided in this section, but if he makes such disclosure warrants only his good faith and authority.

3418. Except for recovery of bank payments as provided in the division on bank deposits and collections (Division 4) and except for liability for breach of warranty on presentment under the preceding section, payment or acceptance of any instrument is final in favor of a holder in due course, or a person who has in good faith changed his position in reliance on the payment.

3419. (1) An instrument is converted when

(a) A drawee to whom it is delivered for acceptance refuses to return it on demand; or

(b) Any person to whom it is delivered for payment refuses on demand either to pay or to return it; or

(c) It is paid on a forged indorsement.

(2) In any action under subdivision (1), the measure of liability is presumed to be the face amount of the instrument.

(3) Subject to the provisions of this code concerning restrictive indorsements a representative, including a depositary or collecting bank, who has in good faith and in accordance with the reasonable commercial standards applicable to the business of such representative dealt with an instrument or its proceeds on behalf of one who was not the true owner is not liable in conversion or otherwise to the true owner beyond the amount of any proceeds remaining in his hands.

(4) An intermediary bank or payor bank which is not a depositary bank is not liable in conversion solely by reason of the fact that proceeds of an item indorsed restrictively (Sections 3205 and 3206) are not paid or applied consistently with the restrictive indorsement of an indorser other than its immediate transferor.

CHAPTER 5. PRESENTMENT, NOTICE OF DISHONOR AND PROTEST

3501. (1) Unless excused (Section 3511) presentment is necessary to charge secondary parties as follows:

(a) Presentment for acceptance is necessary to charge the drawer and indorsers of a draft where the draft so provides, or is payable elsewhere than at the residence or place of business of the drawee, or its date of payment depends upon such presentment. The holder may at his option present for acceptance any other draft payable at a stated date;

(b) Presentment for payment is necessary to charge any indorser;

(c) In the case of any drawer, the acceptor of a draft payable at a bank or the maker of a note payable at a bank, presentment for payment is necessary, but failure to make presentment discharges such drawer, acceptor or maker only as stated in Section 3502(1)(b).

(2) Unless excused (Section 3511)

(a) Notice of any dishonor is necessary to charge any indorser;

(b) In the case of any drawer, the acceptor of a draft payable at a bank or the maker of a note payable at a bank, notice of any dishonor is necessary, but failure to give such notice discharges such drawer, acceptor or maker only as stated in Section 3502(1)(b).

(3) Unless excused (Section 3511) protest of any dishonor is necessary to charge the drawer and indorsers of any draft which on its face appears to be drawn or payable outside of the states and territories of the United States and the District of Columbia The holder may at his option make protest of any dishonor of any other instrument and in the case of a foreign draft may on insolvency of the acceptor before maturity make protest for better security

(4) Notwithstanding any provision of this section, neither presentment nor notice of dishonor nor protest is necessary to charge an indorser who has indorsed an instrument after maturity.

3502 (1) Where without excuse any necessary presentment or notice of dishonor is delayed beyond the time when it is due

(a) Any indorser is discharged; and

(b) Any drawer or the acceptor of a draft payable at a bank or the maker of a note payable at a bank who because the drawee or payor bank becomes insolvent during the delay is deprived of funds maintained with the drawee or payor bank to cover the instrument may discharge his liability by written assignment to the holder of his rights against the drawee or payor bank in respect of such funds, but such drawer, acceptor or maker is not otherwise discharged.

(2) Where without excuse a necessary protest is delayed beyond the time when it is due any drawer or indorser is discharged.

3503. (1) Unless a different time is expressed in the instrument the time for any presentment is determined as follows:

(a) Where an instrument is payable at or a fixed period after a stated date any presentment for acceptance must be made on or before the date it is payable;

(b) Where an instrument is payable after sight it must either be presented for acceptance or negotiated within a reasonable time after date or issue whichever is later;

(c) Where an instrument shows the date on which it is payable presentment for payment is due on that date;

(d) Where an instrument is accelerated presentment for payment is due within a reasonable time after the acceleration;

(e) With respect to the liability of any secondary party presentment for acceptance or payment of any other instrument is due within a reasonable time after such party becomes liable thereon.

(2) A reasonable time for presentment is determined by the nature of the instrument, any usage of banking or trade and the facts of the particular case. In the case of an uncertified check which is drawn and payable within the United States and which is not a draft drawn by a bank the following are presumed to be reasonable periods within which to present for payment or to initiate bank collection:

(a) With respect to the liability of the drawer, 30 days after date or issue whichever is later; and

(b) With respect to the liability of an indorser, seven days after his indorsement.

(3) Where any presentment is due on a day which is not a full business day for either the person making presentment or the party to pay or accept, presentment is due on the next following day which is a full business day for both parties.

(4) Presentment to be sufficient must be made at a reasonable hour, and if at a bank during its banking day.

3504. (1) Presentment is a demand for acceptance or payment made upon the maker, acceptor, drawee or other payor by or on behalf of the holder.

(2) Presentment may be made

(a) By mail, in which event the time of presentment is determined by the time of receipt of the mail; or

(b) Through a clearinghouse or a place designated by the party who is to pay or accept; or

(c) At the place of acceptance or payment specified in the instrument or if there be none at the place of business or residence of the party to accept or pay. If neither the party to accept or pay nor anyone authorized to act for him is present or accessible at such place presentment is excused.

(3) It may be made

(a) To any one of two or more makers, acceptors, drawees or other payors; or

(b) To any person who has authority to make or refuse the acceptance or payment.

(4) A draft accepted or a note made payable at a bank in the United States must be presented at the separate office or branch of the bank at which such instrument was made payable.

(5) In the cases described in Section 4210 presentment may be made in the manner and with the result stated in that section.

3505. (1) The party to whom presentment is made may without dishonor require

(a) Exhibition of the instrument; and

(b) Reasonable identification of the person making presentment and evidence of his authority to make it if made for another; and

(c) That the instrument be produced for acceptance or payment at a place specified in it, or if there be none at any place reasonable in the circumstances; and

(d) A signed receipt on the instrument for any partial or full payment and its surrender upon full payment.

(2) Failure to comply with any such requirement invalidates the presentment but the person presenting has a reasonable time in which to comply and the time for acceptance or payment runs from the time of compliance.

3506. (1) Acceptance may be deferred without dishonor until the close of the next business day following presentment. The holder may also in a good faith effort to obtain acceptance and without either dishonor of the instrument or discharge of secondary parties allow postponement of acceptance for an additional business day.

(2) Except as a longer time is allowed in the case of documentary drafts drawn under a letter of credit, and unless an earlier time is agreed to by the party to pay, payment of an instrument may be deferred without dishonor pending reasonable examination to determine whether it is properly payable, but payment must be made in any event before the close of the next business day following the day of presentment.

3507. (1) An instrument is dishonored when

(a) A necessary or optional presentment is duly made and due acceptance or payment is refused or cannot be obtained within the prescribed time or in case of bank collections the instrument is seasonably returned by the midnight deadline (Section 4301); or

(b) Presentment is excused and the instrument is not duly accepted or paid.

(2) Subject to any necessary notice of dishonor and protest, the holder has upon dishonor an immediate right of recourse against the drawers and indorsers.

(3) Return of an instrument for lack of proper indorsement is not dishonor.

(4) A term in a draft or an indorsement thereof allowing a stated time for re-presentment in the event of any dishonor of the draft by nonacceptance if a time draft or by nonpayment if a sight draft gives the holder as against any secondary party bound by the term an option to waive the dishonor without affecting the liability of the secondary party and he may present again up to the end of the stated time.

3508. (1) Notice of dishonor may be given to any person who may be liable on the instrument by or on behalf of the holder or any party who has himself received notice, or any other party who can be compelled to pay the instrument. In

addition an agent or bank in whose hands the instrument is dishonored may give notice to his principal or customer or to another agent or bank from which the instrument was received.

(2) Any necessary notice must be given by a bank before its midnight deadline and by any other person before midnight of the third business day after dishonor or receipt of notice of dishonor.

(3) Notice may be given in any reasonable manner. It may be oral or written and in any terms which identify the instrument and state that it has been dishonored. A misdescription which does not mislead the party notified does not vitiate the notice. Sending the instrument bearing a stamp, ticket or writing stating that acceptance or payment has been refused or sending a notice of debit with respect to the instrument is sufficient.

(4) Written notice is given when sent although it is not received.

(5) Notice to one partner is notice to each although the firm has been dissolved.

(6) When any party is in insolvency proceedings instituted after the issue of the instrument notice may be given either to the party or to the representative of his estate.

(7) When any party is dead or incompetent notice may be sent to his last known address or given to his personal representative.

(8) Notice operates for the benefit of all parties who have rights on the instrument against the party notified.

3509. (1) A protest is a certificate of dishonor made under the hand and seal of a United States consul or vice consul or a notary public or other person authorized to certify dishonor by the law of the place where dishonor occurs. It may be made upon information satisfactory to such person.

(2) The protest must identify the instrument and certify either that due presentment has been made or the reason why it is excused and that the instrument has been dishonored by nonacceptance or nonpayment.

(3) The protest may also certify that notice of dishonor has been given to all parties or to specified parties.

(4) Subject to subdivision (5) any necessary protest is due by the time that notice of dishonor is due.

(5) If, before protest is due, an instrument has been noted for protest by the officer to make protest, the protest may be made at any time thereafter as of the date of the noting.

3510. The following are admissible as evidence and create a presumption of dishonor and of any notice of dishonor therein shown:

(a) A document regular in form as provided in the preceding section which purports to be a protest;

(b) The purported stamp or writing of the drawee, payor bank or presenting bank on the instrument or accompanying it stating that acceptance or payment has been refused for reasons consistent with dishonor;

(c) Any book or record of the drawee, payor bank, or any collecting bank kept in the usual course of business which shows dishonor, even though there is no evidence of who made the entry.

3511. (1) Delay in presentment, protest or notice of dishonor is excused when the party is without notice that it is due or when the delay is caused by circumstances beyond his control and he exercises reasonable diligence after the cause of the delay ceases to operate.

(2) Presentment or notice or protest as the case may be is entirely excused when

(a) The party to be charged has waived it expressly or by implication either before or after it is due; or

(b) Such party has himself dishonored the instrument or has countermanded payment or otherwise has no reason to expect or right to require that the instrument be accepted or paid; or

(c) By reasonable diligence the presentment or protest cannot be made or the notice given.

(3) Presentment is also entirely excused when

(a) The maker, acceptor or drawee of any instrument except a documentary draft is dead or in insolvency proceedings instituted after the issue of the instrument; or

(b) Acceptance or payment is refused but not for want of proper presentment.

(4) Where a draft has been dishonored by nonacceptance a later presentment for payment and any notice of dishonor and protest for nonpayment are excused unless in the meantime the instrument has been accepted.

(5) A waiver of protest is also a waiver of presentment and of notice of dishonor even though protest is not required.

(6) Where a waiver of presentment or notice of protest is embodied in the instrument itself it is binding upon all parties; but where it is written above the signature of an indorser it binds him only

CHAPTER 6. DISCHARGE

3601. (1) The extent of the discharge of any party from liability on an instrument is governed by the sections on

(a) Payment or satisfaction (Section 3603); or

(b) Tender of payment (Section 3604); or

(c) Cancellation or renunciation (Section 3605); or

(d) Impairment of right of recourse or of collateral (Section 3606); or

(e) Reacquisition of the instrument by a prior party (Section 3208); or

(f) Fraudulent and material alteration (Section 3407); or

(g) Certification of a check (Section 3411); or

(h) Acceptance varying a draft (Section 3412); or

(i) Unexcused delay in presentment or notice of dishonor or protest (Section 3502).

(2) Any party is also discharged from his liability on an instrument to another party by any other act or agreement with such party which would discharge his simple contract for the payment of money.

(3) The liability of all parties is discharged when any party who has himself no right of action or recourse on the instrument

(a) Reacquires the instrument in his own right; or

(b) Is discharged under any provision of this division, except as otherwise provided with respect to discharge for impairment of recourse or of collateral (Section 3606).

3602. No discharge of any party provided by this division is effective against a subsequent holder in due course unless he has notice thereof when he takes the instrument.

3603. (1) The liability of any party is discharged to the extent of his payment or satisfaction to the holder even though it is made with knowledge of a claim of another person to the instrument unless prior to such payment or satisfaction the person making the claim either supplies indemnity deemed adequate by the party seeking the discharge or enjoins payment or satisfaction by order of a court of competent jurisdiction in an action in which the adverse claimant and the holder are parties. This subdivision does not, however, result in the discharge of the liability

(a) Of a party who in bad faith pays or satisfies a holder who acquired the instrument by theft or who (unless having the rights of a holder in due course) holds through one who so acquired it; or

(b) Of a party (other than an intermediary bank or a payor bank which is not a depositary bank) who pays or satisfies the holder of an instrument which has been restrictively indorsed in a manner not consistent with the terms of such restrictive indorsement.

(2) Payment or satisfaction may be made with the consent of the holder by any person including a stranger to the instrument. Surrender of the instrument to such a person gives him the rights of a transferee (Section 3201)

3604. (1) Any party making tender of full payment to a holder when or after it is due is discharged to the extent of all subsequent liability for interest, costs and attorney's fees.

(2) The holder's refusal of such tender wholly discharges any party who has a right of recourse against the party making the tender.

(3) Where the maker or acceptor of an instrument payable otherwise than on demand is able and ready to pay at every place of payment specified in the instrument when it is due, it is equivalent to tender

3605. (1) The holder of an instrument may even without consideration discharge any party

(a) In any manner apparent on the face of the instrument or the indorsement, as by intentionally canceling the instru-

ment or the party's signature by destruction or mutiliation, or by striking out the party's signature; or

(b) By renouncing his rights by a writing signed and delivered or by surrender of the instrument to the party to be discharged.

(2) Neither cancellation nor renunciation without surrender of the instrument affects the title thereto.

3606. (1) The holder discharges any party to the instrument to the extent that without such party's consent the holder

(a) Without express reservation of rights releases or agrees not to sue any person against whom the party has to the knowledge of the holder a right of recourse or agrees to suspend the right to enforce against such person the instrument or collateral or otherwise discharges such person, except that failure or delay in effecting any required presentment, protest or notice of dishonor with respect to any such person does not discharge any party as to whom presentment, protest or notice of dishonor is effective or unnecessary; or

(b) Unjustifiably impairs any collateral for the instrument given by or on behalf of the party or any person against whom he has a right of recourse.

(2) By express reservation of rights against a party with a right of recourse the holder preserves

(a) All his rights against such party as of the time when the instrument was originally due; and

(b) The right of the party to pay the instrument as of that time; and

(c) All rights of such party to recourse against others.

CHAPTER 7. ADVICE OF INTERNATIONAL SIGHT DRAFT

3701. (1) A "letter of advice" is a drawer's communication to the drawee that a described draft has been drawn.

(2) Unless otherwise agreed when a bank receives from another bank a letter of advice of an international sight draft the drawee bank may immediately debit the drawer's account and stop the running of interest pro tanto. Such a debit and any resulting credit to any account covering outstanding drafts leaves in the drawer full power to stop payment or otherwise dispose of the amount and creates no trust or interest in favor of the holder.

(3) Unless otherwise agreed and except where a draft is drawn under a credit issued by the drawee, the drawee of an international sight draft owes the drawer no duty to pay an unadvised draft but if it does so and the draft is genuine, may appropriately debit the drawer's account.

CHAPTER 8. MISCELLANEOUS

3801. (1) Where a draft is drawn in a set of parts, each of which is numbered and expressed to be an order only if no

other part has been honored, the whole of the parts constitutes one draft but a taker of any part may become a holder in due course of the draft.

(2) Any person who negotiates, indorses or accepts a single part of a draft drawn in a set thereby becomes liable to any holder in due course of that part as if it were the whole set, but as between different holders in due course to whom different parts have been negotiated the holder whose title first accrues has all rights to the draft and its proceeds.

(3) As against the drawee the first presented part of a draft drawn in a set is the part entitled to payment, or if a time draft to acceptance and payment. Acceptance of any subsequently presented part renders the drawee liable thereon under subdivision (2). With respect both to a holder and to the drawer payment of a subsequently presented part of a draft payable at sight has the same effect as payment of a check notwithstanding an effective stop order (Section 4407).

(4) Except as otherwise provided in this section, where any part of a draft in a set is discharged by payment or otherwise the whole draft is discharged.

3802. (1) Unless otherwise agreed where an instrument is taken for an underlying obligation

(a) The obligation is pro tanto discharged if a bank is drawer, maker or acceptor of the instrument and there is no recourse on the instrument against the underlying obligor; and

(b) In any other case the obligation is suspended pro tanto until the instrument is due or if it is payable on demand until its presentment. If the instrument is dishonored action may be maintained on either the instrument or the obligation; discharge of the underlying obligor on the instrument also discharges him on the obligation.

(2) The taking in good faith of a check which is not postdated does not of itself so extend the time on the original obligation as to discharge a surety.

3803. Where a defendant is sued for breach of an obligation for which a third person is answerable over under this division he may give the third person written notice of the litigation, and the person notified may then give similar notice to any other person who is answerable over to him under this division. If the notice states that the person notified may come in and defend and that if the person notified does not do so he will in any action against him by the person giving the notice be bound by any determination of fact common to the two litigations, then unless after seasonable receipt of the notice the person notified does come in and defend he is so bound.

3804. The owner of an instrument which is lost, whether by destruction, theft or otherwise, may maintain an action in his own name and recover from any party liable thereon upon due proof of his ownership, the facts which prevent his production of the instrument and its terms. The court shall re-

quire a sufficient indemnity bond indemnifying the defendant against loss by reason of further claims on the instrument.

3805. This division applies to any instrument whose terms do not preclude transfer and which is otherwise negotiable within this division but which is not payable to order or to bearer, except that there can be no holder in due course of such an instrument.

DIVISION 4. BANK DEPOSITS AND COLLECTIONS

CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS

4101. This division shall be known and may be cited as Uniform Commercial Code—Bank Deposits and Collections.

4102. (1) To the extent that items within this division are also within the scope of Divisions 3 and 8, they are subject to the provisions of those divisions. In the event of conflict the provisions of this division govern those of Division 3 but the provisions of Division 8 govern those of this division.

(2) The liability of a bank for action or nonaction with respect to any item handled by it for purposes of presentment, payment or collection is governed by the law of the place where the bank is located. In the case of action or nonaction by or at a branch or separate office of a bank, its liability is governed by the law of the place where the branch or separate office is located.

4103. (1) The effect of the provisions of this division may be varied by agreement except that no agreement can disclaim a bank's responsibility for its own lack of good faith or failure to exercise ordinary care or can limit the measure of damages for such lack or failure; but the parties may by agreement determine the standards by which such responsibility is to be measured if such standards are not manifestly unreasonable.

(2) Federal Reserve regulations and operating letters, clearinghouse rules, and the like, have the effect of agreements under subdivision (1), whether or not specifically assented to by all parties interested in items handled.

(3) Action or nonaction approved by this division or pursuant to Federal Reserve regulations or operating letters constitutes the exercise of ordinary care and, in the absence of special instructions, action or nonaction consistent with clearinghouse rules and the like or with a general banking usage not disapproved by this division, prima facie constitutes the exercise of ordinary care.

(4) The specification or approval of certain procedures by this division does not constitute disapproval of other procedures which may be reasonable under the circumstances.

(5) The measure of damages for failure to exercise ordinary care in handling an item is the amount of the item reduced by an amount which could not have been realized by the use of ordinary care, and where there is bad faith it includes other damages, if any, suffered by the party as a proximate consequence.

4104. (1) In this division unless the context otherwise requires

(a) "Account" means any account with a bank and includes a checking, time, interest or savings account;

(b) "Afternoon" means the period of a day between noon and midnight;

(c) "Banking day" means that part of any day on which a bank is open to the public for carrying on substantially all of its banking functions;

(d) "Clearinghouse" means any association of banks or other payors regularly clearing items;

(e) "Customer" means any person having an account with a bank or for whom a bank has agreed to collect items and includes a bank carrying an account with another bank;

(f) "Documentary draft" means any negotiable or non-negotiable draft with accompanying documents, securities or other papers to be delivered against honor of the draft;

(g) "Item" means any instrument for the payment of money even though it is not negotiable but does not include money;

(h) "Midnight deadline" with respect to a bank is midnight on its next banking day following the banking day on which it receives the relevant item or notice or from which the time for taking action commences to run, whichever is later;

(i) "Properly payable" includes the availability of funds for payment at the time of decision to pay or dishonor;

(j) "Settle" means to pay in cash by clearinghouse settlement, in a charge or credit or by remittance, or otherwise as instructed. A settlement may be either provisional or final;

(k) "Suspends payments" with respect to a bank means that it has been closed by order of the supervisory authorities, that a public officer has been appointed to take it over or that it ceases or refuses to make payments in the ordinary course of business.

(2) Other definitions applying to this division and the sections in which they appear are:

"Collecting bank" Section 4105.

"Depositary bank." Section 4105.

"Intermediary bank." Section 4105.

"Payor bank." Section 4105.

"Presenting bank." Section 4105.

"Remitting bank." Section 4105.

(3) The following definitions in other divisions apply to this division:

"Acceptance" Section 3410.

"Certificate of deposit." Section 3104.

"Certification." Section 3411.

"Check" Section 3104.

"Draft" Section 3104.

"Holder in due course." Section 3302.

"Notice of dishonor." Section 3508.

"Presentment." Section 3504.

"Protest." Section 3509.

"Secondary party." Section 3102.

(4) In addition Division 1 contains general definitions and principles of construction and interpretation applicable throughout this division.

4105. In this division unless the context otherwise requires:

(a) "Depositary bank" means the first bank to which an item is transferred for collection even though it is also the payor bank;

(b) "Payor bank" means a bank by which an item is payable as drawn or accepted;

(c) "Intermediary bank" means any bank to which an item is transferred in course of collection except the depositary or payor bank;

(d) "Collecting bank" means any bank handling the item for collection except the payor bank;

(e) "Presenting bank" means any bank presenting an item except a payor bank;

(f) "Remitting bank" means any payor or intermediary bank remitting for an item.

(g) Each branch or separate office of a bank shall be deemed a separate bank for the purpose of the definitions in this section.

4106. A branch or separate office of a bank is a separate bank for the purpose of computing the time within which and determining the place at or to which action may be taken or notices or orders shall be given under this division and under Division 3, and the receipt of any notice or order by, or the knowledge of, one branch or separate office of a bank is not actual or constructive notice to or knowledge of any other branch or separate office of the same bank and does not impair the right of such other branch or separate office to be a holder in due course of an item.

4107. (1) For the purpose of allowing time to process items, prove balances and make the necessary entries on its books to determine its position for the day, a bank may fix an afternoon hour of 2 p.m or later as a cutoff hour for the handling of money and items and the making of entries on its books.

(2) Any item or deposit of money received on any day after a cutoff hour so fixed or after the close of the banking day may be treated as being received at the opening of the next banking day.

4108. (1) Unless otherwise instructed, a collecting bank in a good faith effort to secure payment may, in the case of specific items and with or without the approval of any person involved, waive, modify or extend time limits imposed or permitted by this code for a period not in excess of an additional banking day without discharge of secondary parties and without liability to its transferor or any prior party.

(2) Delay by a collecting bank or payor bank beyond time limits prescribed or permitted by this code or by instructions is excused if caused by interruption of communication facilities, suspension of payments by another bank, war, emergency conditions or other circumstances beyond the control of the bank provided it exercises such diligence as the circumstances require.

CHAPTER 2. COLLECTION OF ITEMS: DEPOSITARY AND COLLECTING BANKS

4201. (1) Unless a contrary intent clearly appears and prior to the time that a settlement given by a collecting bank for an item is or becomes final (subdivision (3) of Section 4211 and Sections 4212 and 4213) the bank is an agent or subagent of the owner of the item and any settlement given for the item is provisional This provision applies regardless of the form of indorsement or lack of indorsement and even though credit given for the item is subject to immediate withdrawal as of right or is in fact withdrawn; but the continuance of ownership of an item by its owner and any rights of the owner to proceeds of the item are subject to rights of a collecting bank such as those resulting from outstanding advances on the item and valid rights of setoff. When an item is handled by banks for purposes of presentment, payment and collection, the relevant provisions of this division apply even though action of parties clearly establishes that a particular bank has purchased the item and is the owner of it.

(2) After an item has been indorsed with the words "pay any bank" or the like, only a bank may acquire the rights of a holder

(a) Until the item has been returned to the customer initiating collection; or

(b) Until the item has been specially endorsed by a bank to a person who is not a bank.

4202. (1) A collecting bank must use ordinary care in

(a) Presenting an item or sending it for presentment; and

(b) Sending notice of dishonor or nonpayment or returning an item other than a documentary draft to the bank's transferor after learning that the item has not been paid or accepted, as the case may be; and

(c) Settling for an item when the bank receives final settlement; and

(d) Making or providing for any necessary protest; and

(e) Notifying its transferor of any loss or delay in transit within a reasonable time after discovery thereof.

(2) A collecting bank taking proper action before its midnight deadline following receipt of an item, notice or payment acts seasonably; taking proper action within a reasonably longer time may be seasonable but the bank has the burden of so establishing.

(3) Subject to subdivision (1)(a), a bank is not liable for the insolvency, neglect, misconduct, mistake or default of another bank or person or for loss or destruction of or inability to obtain repossession of an item in transit or in the possession of others.

4203. Subject to the provisions of Division 3 concerning conversion of instruments (Section 3419) and the provisions of both Division 3 and this division concerning restrictive indorsements only a collecting bank's transferor can give instructions which affect the bank or constitute notice to it and a collecting bank is not liable to prior parties for any action taken pursuant to such instructions or in accordance with any agreement with its transferor.

4204. (1) A collecting bank must send items by reasonably prompt method taking into consideration any relevant instructions, the nature of the item, the number of such items on hand, and the cost of collection involved and the method generally used by it or others to present such items.

(2) A collecting bank may send

(a) Any item direct to the payor bank;

(b) Any item to any nonbank payor if authorized by its transferor;

(c) Any item other than documentary drafts to any nonbank payor, if authorized by Federal Reserve regulation or operating letter, clearinghouse rule or the like;

(d) Any item to any Federal Reserve bank; and

(e) Any item to any other bank or agency thereof.

Items may be sent to the place of business of, or to any place designated by, those to whom items may be sent under paragraphs (a), (b), (c), (d) or (e).

4205. (1) A depositary bank which has taken an item for collection may supply any indorsement of the customer which is necessary to title unless the item contains the words "payee's indorsement required" or the like. In the absence of such a requirement a statement placed on the item by the depositary bank to the effect that the item was deposited by a customer or credited to his account is effective as the customer's indorsement.

(2) An intermediary bank, or payor bank which is not a depositary bank, is neither given notice nor otherwise affected by a restrictive indorsement of any person except the bank's immediate transferor.

4206 Any agreed method which identifies the transferor bank is sufficient for the item's further transfer to another bank.

4207. (1) Each customer or collecting bank who obtains payment or acceptance of an item and each prior customer and collecting bank warrants to the payor bank or other payor who in good faith pays or accepts the item that

(a) He has a good title to the item or is authorized to obtain payment or acceptance on behalf of one who has a good title; and

(b) He has no knowledge that the signature of the maker or drawer is unauthorized, except that this warranty is not given by any customer or collecting bank that is a holder in due course and acts in good faith

(i) To a maker with respect to the maker's own signature; or

(ii) To a drawer with respect to the drawer's own signature, whether or not the drawer is also the drawee; or

(iii) To an acceptor of an item if the holder in due course took the item after the acceptance or obtained the acceptance without knowledge that the drawer's signature was unauthorized; and

(c) The item has not been materially altered, except that this warranty is not given by any customer or collecting bank that is a holder in due course and acts in good faith

(i) To the maker of a note; or

(ii) To the drawer of a draft whether or not the drawer is also the drawee; or

(iii) To the acceptor of an item with respect to an alteration made prior to the acceptance if the holder in due course took the item after the acceptance, even though the acceptance provided "payable as originally drawn" or equivalent terms; or

(iv) To the acceptor of an item with respect to an alteration made after the acceptance.

(2) Each customer and collecting bank who transfers an item and receives a settlement or other consideration for it warrants to his transferee and to any subsequent collecting bank who takes the item in good faith that

(a) He has a good title to the item or is authorized to obtain payment or acceptance on behalf of one who has a good title and the transfer is otherwise rightful; and

(b) All signatures are genuine or authorized; and

(c) The item has not been materially altered; and

(d) No defense of any party is good against him; and

(e) He has no knowledge of any insolvency proceeding instituted with respect to the maker or acceptor or the drawer of an unaccepted item.

In addition each customer and collecting bank so transferring an item and receiving a settlement or other consideration engages that upon dishonor and any necessary notice of dishonor and protest he will take up the item.

(3) The warranties and the engagement to honor set forth in the two preceding subdivisions arise notwithstanding the absence of indorsement or words of guaranty or warranty in the transfer or presentment and a collecting bank remains liable for their breach despite remittance to its transferor. Damages for breach of such warranties or engagement to honor shall not exceed the consideration received by the customer or collecting bank responsible plus finance charges and expenses related to the item, if any.

(4) Unless a claim for breach of warranty under this section is made within a reasonable time after the person claiming learns of the breach, the person liable is discharged to the extent of any loss caused by the delay in making claim.

4208. (1) A bank has a security interest in an item and any accompanying documents or the proceeds of either

(a) In case of an item deposited in an account to the extent to which credit given for the item has been withdrawn or applied;

(b) In case of an item for which it has given credit available for withdrawal as of right, to the extent of the credit given whether or not the credit is drawn upon and whether or not there is a right of chargeback; or

(c) If it makes an advance on or against the item.

(2) When credit which has been given for several items received at one time or pursuant to a single agreement is withdrawn or applied in part the security interest remains upon all the items and any accompanying documents or the proceeds of either. For the purpose of this section, credits first given are first withdrawn.

(3) Receipt by a collecting bank of a final settement for an item is a realization on its security interest in the item, accompanying documents and proceeds To the extent and so long as the bank does not receive final settlement for the item or give up possession of the item or accompanying documents for purposes other than collection, the security interest continues and is subject to the provisions of Division 9 execept that

(a) No security agreement is necessary to make the security interest enforceable (subdivision (1)(b) of Section 9203); and

(b) No filing is required to perfect the security interest; and

(c) The security interest has priority over conflicting perfected security interests in the item, accompanying documents or proceeds.

4209. For purposes of determining its status as a holder in due course, the bank has given value to the extent that it has a security interest in an item provided that the bank otherwise complies with the requirements of Section 3302 on what constitutes a holder in due course.

4210. (1) Unless otherwise instructed, a collecting bank may present an item not payable by, through or at a bank by sending to the party to accept or pay a written notice that the bank holds the item for acceptance or payment. The notice must be sent in time to be received on or before the day when presentment is due and the bank must meet any requirement of the party to accept or pay under Section 3505 by the close of the bank's next banking day after it knows of the requirement.

(2) Where presentment is made by notice and neither honor nor request for compliance with a requirement under Section 3505 is received by the close of business on the day after ma-

turity or in the case of demand items by the close of business on the third banking day after notice was sent, the presenting bank may treat the item as dishonored and charge any secondary party by sending him notice of the facts.

4211. (1) A collecting bank may take in settlement of an item

(a) A check of the remitting bank or of another bank on any bank except the remitting bank; or

(b) A cashier's check or similar primary obligation of a remitting bank which is a member of or clears through a member of the same clearinghouse or group as the collecting bank; or

(c) Appropriate authority to charge an account of the remitting bank or of another bank with the collecting bank; or

(d) If the item is drawn upon or payable by a person other than a bank, a cashier's check, certified check or other bank check or obligation; or

(e) Credit on the books of any federal reserve bank or of any bank designated as a depositary by the collecting bank; or

(f) Money.

(2) If before its midnight deadline the collecting bank properly dishonors a remittance check or authorization to charge on itself or presents or forwards for collection a remittance instrument of or on another bank which is of a kind approved by subdivision (1) or has not been authorized by it, the collecting bank is not liable to prior parties in the event of the dishonor of such check, instrument or authorization.

(3) A settlement for an item by means of a remittance instrument or authorization to charge is or becomes a final settlement as to both the person making and the person receiving the settlement

(a) If the remittance instrument or authorization to charge is of a kind approved by subdivision (1) or has not been authorized by the person receiving the settlement and in either case the person receiving the settlement acts seasonably before its midnight deadline in presenting, forwarding for collection or paying the instrument or authorization—at the time the remittance instrument or authorization is finally paid by the payor by which it is payable;

(b) If the person receiving the settlement has authorized remittance by a nonbank check or obligation or by a cashier's check or similar primary obligation of or a check upon the payor or other remitting bank which is not of a kind approved by subdivision (1)(b)—at the time of the receipt of such remittance check or obligation; or

(c) If in a case not covered by paragraphs (a) or (b) the person receiving the settlement fails to seasonably present, forward for collection, pay or return a remittance instrument or authorization to it to charge before its midnight deadline—at such midnight deadline.

4212. (1) If a collecting bank has made provisional settlement with its customer for an item and itself fails by reason

of dishonor, suspension of payments by a bank or otherwise to receive a settlement for the item which is or becomes final, the bank may revoke the settlement given by it, charge back the amount of any credit given for the item to its customer's account or obtain refund from its customer whether or not it is able to return the items if by its midnight deadline or within a longer reasonable time after it learns the facts it returns the item or sends notification of the facts. These rights to revoke, charge back and obtain refund terminate if and when a settlement for the item received by the bank is or becomes final (subdivision (3) of Section 4211 and subdivisions (2) and (3) of Section 4213).

(3) A depositary bank which is also the payor may charge back the amount of an item to its customer's account or obtain refund in accordance with the section governing return of an item received by a payor bank for credit on its books (Section 4301).

(4) The right to charge back is not affected by

(a) Prior use of the credit given for the item; or

(b) Failure by any bank to exercise ordinary care with respect to the item but any bank so failing remains liable.

(5) A failure to charge back or claim refund does not affect other rights of the bank against the customer or any other party.

(6) If credit is given in dollars as the equivalent of the value of an item payable in a foreign currency the dollar amount of any chargeback or refund shall be calculated on the basis of the buying sight rate for the foreign currency prevailing on the day when the person entitled to the chargeback or refund learns that it will not receive payment in ordinary course.

(7) The right to obtain refund is not affected by

(a) Prior use of the credit given for the item; or

(b) Failure by any bank to exercise ordinary care with respect to the item except to the extent of the bank's liability therefor.

4213. (1) An item is finally paid by a payor bank when the bank has done any of the following, whichever happens first:

(a) Paid the item in cash; or

(b) Settled for the item without having a right to revoke the settlement under any of the following: statute, clearinghouse rule, agreement, or reservation thereof; or

(d) Settled for the item having a right to revoke the settlement under any one or more of the following: statute, clearinghouse rule, agreement or reservation thereof, and failed to revoke the settlement in the time and manner permitted under such right.

Upon final payment under paragraphs (b) or (d) the payor bank shall be accountable for the amount of the item.

(2) If provisional settlement for an item between the presenting and payor banks is made through a clearinghouse or

by debits or credits in an account between them, then to the extent that provisional debits or credits for the item are entered in accounts between the presenting and payor banks or between the presenting and successive prior collecting banks seriatim, they become final upon final payment of the item by the payor bank.

(3) If a collecting bank receives a settlement for an item which is or becomes final (subdivision (3) of Section 4211, subdivision (2) of this section) the bank is accountable to its customer for the amount of the item and any provisional credit given for the item in an account with its customer becomes final.

(4) Subject to any right of the bank to apply the credit to an obligation of the customer, credit given by a bank for an item in an account with its customer becomes available for withdrawal as of right

(a) In any case where the bank has received a provisional settlement for the item—when such settlement becomes final and the bank has had a reasonable time to learn that the settlement is final;

(b) In any case where the bank is both a depositary bank and a payor bank and the item is finally paid—at the opening of the bank's second banking day following receipt of the item.

(5) A deposit of money in a bank is final when made but, subject to any right of the bank to apply the deposit to an obligation of the customer, the deposit becomes available for withdrawal as of right at the opening of the bank's next banking day following receipt of the deposit.

4214. (1) Any item in or coming into the possession of a payor or collecting bank which suspends payment and which item is not finally paid shall be returned by the receiver, trustee or agent in charge of the closed bank to the presenting bank or the closed bank's customer.

(2) If a payor bank finally pays an item and suspends payments without making a settlement for the item with its customer or the presenting bank which settlement is or becomes final, the owner of the item has a preferred claim against the payor bank.

(3) If a payor bank gives or a collecting bank gives or receives a provisional settlement for an item and thereafter suspends payments, the suspension does not prevent or interfere with the settlement becoming final if such finality occurs automatically upon the lapse of certain time or the happening of certain events (subdivision (3) of Section 4211, subdivisions (1)(d), (2) and (3) of Section 4213).

(4) If a collecting bank receives from subsequent parties settlement for an item which settlement is or becomes final and suspends payments without making a settlement for the item with its customer which is or becomes final, the owner of the item has a preferred claim against such collecting bank.

CHAPTER 3. COLLECTION OF ITEMS: PAYOR BANKS

4301. (1) Where an authorized settlement for a demand item (other than a documentary draft) received by a payor bank otherwise than for immediate payment over the counter has been made before midnight of the banking day of receipt the payor bank may revoke the settlement and recover any payment if before it has made final payment (subdivision (1) of Section 4213) and before its midnight deadline it

(a) Returns the item; or

(b) Sends written notice of dishonor or nonpayment if the item is held for protest or is otherwise unavailable for return.

(2) If a demand item is received by a payor bank for credit on its books it may return such item or send notice of dishonor and may revoke any credit given or recover the amount thereof withdrawn by its customer, if it acts within the time limit and in the manner specified in the preceding subdivision.

(3) Unless previous notice of dishonor has been sent an item is dishonored at the time when for purposes of dishonor it is returned or notice sent in accordance with this section.

(4) An item is returned:

(a) As to an item received through a clearinghouse, when it is delivered to the presenting or last collecting bank or to the clearinghouse or is sent or delivered in accordance with its rules; or

(b) In all other cases, when it is sent or delivered to the bank's customer or transferor or pursuant to his instructions.

4302. In the absence of a valid defense such as breach of a presentment warranty (subdivision (1) of Section 4207), settlement effected or the like, if an item is presented on and received by a payor bank the bank is accountable for the amount of

(a) A demand item other than a documentary draft whether properly payable or not if the bank, in any case where it is not also the depositary bank, retains the item beyond midnight of the banking day of receipt without settling for it or, regardless of whether it is also the depositary bank, does not pay or return the item or send notice of dishonor until after its midnight deadline; or

(b) Any other properly payable item unless within the time allowed for acceptance or payment of that item the bank either accepts or pays the item or returns it and accompanying documents.

4303. (1) Any knowledge, notice or stop order received by, legal process served upon or setoff exercised by a payor bank, whether or not effective under other rules of law to terminate, suspend or modify the bank's right or duty to pay an item or to charge its customer's account for the item, comes too late to so terminate, suspend or modify such right or duty if the knowledge, notice, stop order or legal process is received or served and the bank does not have a reasonable time to act

thereon before, or the setoff is exercised after, the happening of any of the following:

(a) The bank has accepted or certified the item;

(b) The bank has paid the item in cash;

(c) The bank has settled for the item without having a right to revoke the settlement under any of the following: statute, clearinghouse rule, agreement, or reservation thereof;

(d) The cutoff hour (Section 4107) or the close of the banking day if no cutoff hour is fixed of the day on which the bank received the item;

(e) The bank has become accountable for the amount of the item under subdivision (1)(d) of Section 4213 and Section 4302 dealing with the payor bank's responsibility for late return of items; or

(f) The item has been deposited or received for deposit for credit in an account of a customer with the payor bank.

(2) Subject to the provisions of subdivision (1) items may be accepted, paid, certified or charged to the indicated account of its customer in any order convenient to the bank and before or after its regular banking hours. A bank is under no obligation to determine the time of day an item is received and without liability may withhold the amount thereof pending a determination of the effect, consequence or priority of any knowledge, notice, stop order or legal process concerning the same, or interplead such amount and the claimants thereto.

CHAPTER 4. RELATIONSHIP BETWEEN PAYOR BANK AND ITS CUSTOMER

4401. (1) As against its customer, a bank may charge against his account any item which is otherwise properly payable from that account even though the charge creates an overdraft and in such event recover or obtain refund of the amount of the overdraft.

(2) A bank which in good faith makes payment to a holder may charge the indicated account of its customer according to

(a) The original tenor of his altered item; or

(b) The tenor of his completed item, even though the bank knows the item has been completed unless the bank has notice that the completion was improper.

4402. A payor bank is liable to its customer for damages proximately caused by the wrongful dishonor of an item. When the dishonor occurs through mistake liability is limited to actual damages proved.

4403. (1) A customer, or any customer if there is more than one, or any person authorized to sign checks or make withdrawals thereon may stop payment of any item payable for or drawn against such customer's or customers' account but the bank may disregard the same unless the order is in writing, is signed by such customer or authorized person, describes with certainty the item on which payment is to be stopped, and is received by the bank in such time and in such

manner as to afford the bank a reasonable opportunity to act on it prior to the happening of any of the events described in Section 4303.

(2) An order may be disregarded by the bank six months after receipt unless renewed in writing.

(3) The bank is liable to its customer for the actual loss incurred by him resulting from the payment of an item contrary to a binding stop payment order, not exceeding the amount of the item unless the bank is guilty of negligence. The burden of establishing the fact and amount of loss resulting from the payment of an item contrary to a binding stop payment order is on the customer.

4404. A bank is under no obligation to a customer having a checking account to pay a check, other than a certified check, which is presented more than six months after its date, but it may charge its customer's account for a payment made thereafter.

4405. (1) A payor or collecting bank's authority to accept, pay or collect an item or to account for proceeds of its collection if otherwise effective is not rendered ineffective by incompetence of a customer of either bank existing at the time the item is issued or its collection is undertaken if the bank does not know of an adjudication of incompetence. Neither death nor incompetence of a customer revokes such authority to accept, pay, collect or account until the bank knows of the fact of death or of an adjudication of incompetence and has reasonable opportunity to act on it.

(2) Even with knowledge of the death of a customer or of any person authorized to sign checks or make withdrawals a bank may, for 10 days after the date of death, pay or certify checks drawn by the decedent on or prior to that date unless the bank has received notice pursuant to Section 852 or Section 952 of the Financial Code.

(3) Even with knowledge of the incompetence of a customer, whether adjudicated or not, a bank may, if the item would have been effective prior to such incompetence, accept, pay, collect and account for the proceeds of any item drawn by any other customer or person authorized by such other customer, unless the bank has received notice pursuant to Section 852 or Section 952 of the Financial Code.

(4) A bank may refuse to pay a check, draft or other order for the withdrawal of money from an account, whether commercial or savings, if it believes or receives an affidavit stating that the person drawing, indorsing or presenting the instrument is or was at the time of signing, indorsing or presenting it so under the influence of liquor or drugs or so mentally or physically disabled as to raise doubt whether such person is or was competent to transact business. No damages shall be awarded in any action against the bank, or its officers or other employees, for refusing in good faith to pay any such instrument for that reason or in relying upon such affidavit.

4406. (1) When a bank sends to its customer a statement of account accompanied by items paid in good faith in support of the debit entries or holds the statement and items pursuant to a request or instructions of its customer or otherwise in a reasonable manner makes the statement and items available to the customer, the customer must exercise reasonable care and promptness to examine the statement and items to discover his unauthorized signature or any alteration on an item and must notify the bank promptly after the discovery thereof.

(2) If the bank establishes that the customer failed with respect to an item to comply with the duties imposed on the customer by subdivision (1) the customer is precluded from asserting against the bank

(a) His unauthorized signature or any alteration on the item if the bank also establishes that it suffered a loss by reason of such failure; and

(b) An unauthorized signature or alteration by the same wrongdoer on any other item paid in good faith by the bank after the first item and statement was available to the customer for a reasonable period not exceeding 14 calendar days and before the bank receives notification from the customer of any such unauthorized signature or alteration

(3) The preclusion under subdivision (2) does not apply if the customer establishes lack of ordinary care on the part of the bank in paying the item(s).

(4) Without regard to care or lack of care of either the customer or the bank a customer who does not within one year from the time the statement and items are made available to the customer (subdivision (1)) discover and report his unauthorized signature or any alteration on the face or back of the item or any unauthorized indorsement, and if the bank so requests exhibit the item to the bank for inspection, is precluded from asserting against the bank such unauthorized signature or indorsement or such alteration. The burden of establishing the fact of such unauthorized signature or indorsement or such alteration is on the customer.

(5) If under this section a payor bank has a valid defense against a claim of a customer upon or resulting from payment of an item and waives or fails upon request to assert the defense the bank may not assert against any collecting bank or other prior party presenting or transferring the item a claim based upon the unauthorized signature or alteration giving rise to the customer's claim.

4407. If a payor bank has paid an item over the stop payment order of the drawer or maker or otherwise under circumstances giving a basis for objection by the drawer or maker, to prevent unjust enrichment and only to the extent necessary to prevent loss to the bank by reason of its payment of the item, the payor bank shall be subrogated to the rights

(a) Of any holder in due course on the item against the drawer or maker; and

(b) Of the payee or any other holder of the item against the drawer or maker either on the item or under the transaction out of which the item arose; and

(c) Of the drawer or maker against the payee or any other holder of the item with respect to the transaction out of which the item arose.

Chapter 5. Collection of Documentary Drafts

4501 A bank which takes a documentary draft for collection must present or send the draft and accompanying documents for presentment and upon learning that the draft has not been paid or accepted in due course must seasonably notify its customer of such fact even though it may have discounted or bought the draft or extended credit available for withdrawal as of right.

4502. When a draft or the relevant instructions require presentment "on arrival," "when goods arrive" or the like, the collecting bank need not present until in its judgment a reasonable time for arrival of the goods has expired. Refusal to pay or accept because the goods have not arrived is not dishonor; the bank must notify its transferor of such refusal but need not present the draft again until it is instructed to do so or learns of the arrival of the goods.

4503. Unless otherwise instructed and except as provided in Division 5 a bank presenting a documentary draft

(a) Must deliver the documents to the drawee on acceptance of the draft if it is payable more than three days after presentment; otherwise, only on payment; and

(b) Upon dishonor, either in the case of presentment for acceptance or presentment for payment, may seek and follow instructions from any referee in case of need designated in the draft or if the presenting bank does not choose to utilize his services it must use diligence and good faith to ascertain the reason for dishonor, must notify its transferor of the dishonor and of the results of its effort to ascertain the reasons therefor and must request instructions.

But the presenting bank is under no obligation with respect to goods represented by the documents except to follow any reasonable instructions seasonably received; it has a right to reimbursement for any expense incurred in following instructions and to prepayment of or indemnity for such expenses.

4504. (1) A presenting bank which, following the dishonor of a documentary draft, has seasonably requested instructions but does not receive them within a reasonable time may store, sell, or otherwise deal with the goods in any reasonable manner.

(2) For its reasonable expenses incurred by action under subdivision (1) the presenting bank has a lien upon the goods or their proceeds, which may be foreclosed in the same manner as an unpaid seller's lien.

DIVISION 5. LETTERS OF CREDIT

5101. This division shall be known and may be cited as Uniform Commercial Code—Letters of Credit.

5102. (1) This division applies

(a) To a credit issued by a bank if the credit requires a documentary draft or a documentary demand for payment; and

(b) To a credit issued by a person other than a bank if the credit requires that the draft or demand for payment be accompanied by a document of title; and

(c) To a credit issued by a bank or other person if the credit is not within paragraph (a) or (b) but conspicuously states that it is a letter of credit or is conspicuously so entitled.

(2) Unless the engagement meets the requirements of subdivision (1), this division does not apply to engagements to make advances or to honor drafts or demands for payment, to authorities to pay or purchase, to guarantees or to general agreements.

(3) This division deals with some but not all of the rules and concepts of letters of credit as such rules or concepts have developed prior to this act or may hereafter develop. The fact that this division states a rule does not by itself require, imply or negate application of the same or a converse rule to a situation not provided for or to a person not specified by this division.

5103. (1) In this division unless the context otherwise requires

(a) "Credit" or "letter of credit" means an engagement by a bank or other person made at the request of a customer and of a kind within the scope of this division (Section 5102) that the issuer will honor drafts or other demands for payment upon compliance with the conditions specified in the credit. A credit may be either revocable or irrevocable. The engagement may be either an agreement to honor or a statement that a bank or other person is authorized to honor.

(b) A "documentary draft" or a "documentary demand for payment" is one honor of which is conditioned upon the presentation of a document or documents. "Document" means any paper including document of title, security, invoice, certificate, notice of default and the like.

(c) An "issuer" is a bank or other person issuing a credit.

(d) A "beneficiary" of a credit is a person who is entitled under its terms to draw or demand payment.

(e) An "advising bank" is a bank which gives notification of the issuance of a credit by another bank.

(f) A "confirming bank" is a bank which engages either that it will itself honor a credit already issued by another bank or that such a credit will be honored by the issuer or a third bank.

(g) A "customer" is a buyer or other person who causes an issuer to issue a credit. The term also includes a bank which

procures issuance or confirmation on behalf of that bank's customer.

(2) Other definitions applying to this division and the sections in which they appear are:

"Notation of credit." Section 5108.

"Presenter." Section 5112(3).

(3) Definitions in other divisions applying to this division and the sections in which they appear are:

"Accept" or "acceptance." Section 3410.

"Contract for sale." Section 2106.

"Draft." Section 3104.

"Holder in due course." Section 3302.

"Midnight deadline." Section 4104.

"Security." Section 8102.

(4) In addition, Division 1 contains general definitions and principles of construction and interpretation applicable throughout this division

5104. (1) Except as otherwise required in subdivision (1)(c) of Section 5102 on scope, no particular form of phrasing is required for a credit. A credit must be in writing and signed by the issuer and a confirmation must be in writing and signed by the confirming bank. A modification of the terms of a credit or confirmation must be signed by the issuer or confirming bank.

(2) A telegram may be a sufficient signed writing if it identifies its sender by an authorized authentication. The authentication may be in code and the authorized naming of the issuer in an advice of credit is a sufficient signing.

5105. No consideration is necessary to establish a credit or to enlarge or otherwise modify its terms.

5106. (1) Unless otherwise agreed a credit is established

(a) As regards the customer as soon as a letter of credit is sent to him or the letter of credit or an authorized written advice of its issuance is sent to the beneficiary; and

(b) As regards the beneficiary when he receives a letter of credit or an authorized written advice of its issuance.

(2) Unless otherwise agreed once an irrevocable credit is established as regards the customer it can be modified or revoked only with the consent of the customer and once it is established as regards the beneficiary it can be modified or revoked only with his consent.

(3) Unless otherwise agreed after a revocable credit is established it may be modified or revoked by the issuer without notice to or consent from the customer or beneficiary.

(4) Notwithstanding any modification or revocation of a revocable credit any person authorized to honor or negotiate under the terms of the original credit is entitled to reimbursement for or honor of any draft or demand for payment duly honored or negotiated before receipt of notice of the modification or revocation and the issuer in turn is entitled to reimbursement from its customer.

5107. (1) Unless otherwise specified an advising bank by advising a credit issued by another bank does not assume any obligation to honor drafts drawn or demands for payment made under the credit but it does assume obligation for the accuracy of its own statement.

(2) A confirming bank by confirming a credit becomes directly obligated on the credit to the extent of its confirmation as though it were its issuer and acquires the rights of an issuer.

(3) Even though an advising bank incorrectly advises the terms of a credit it has been authorized to advise the credit is established as against the issuer to the extent of its original terms.

(4) Unless otherwise specified the customer bears as against the issuer all risks of transmission and reasonable translation or interpretation of any message relating to a credit.

5108. (1) A credit which specifies that any person purchasing or paying drafts drawn or demands for payment made under it must note the amount of the draft or demand on the letter or advice of credit is a "notation credit."

(2) Under a notation credit

(a) A person paying the beneficiary or purchasing a draft or demand for payment from him acquires a right to honor only if the appropriate notation is made and by transferring or forwarding for honor the documents under the credit such a person warrants to the issuer that the notation has been made; and

(b) Unless the credit or a signed statement that an appropriate notation has been made accompanies the draft or demand for payment the issuer may delay honor until evidence of notation has been procured which is satisfactory to it but its obligation and that of its customer continue for a reasonable time not exceeding 30 days to obtain such evidence.

(3) If the credit is not a notation credit

(a) The issuer may honor complying drafts or demands for payment presented to it in the order in which they are presented and is discharged pro tanto by honor of any such draft or demand;

(b) As between competing good faith purchasers of complying drafts or demands the person first purchasing has priority over a subsequent purchaser even though the later purchased draft or demand has been first honored.

5109. (1) An issuer's obligation to its customer includes good faith and observance of any general banking usage but unless otherwise agreed does not include liability or responsibility

(a) For performance of the underlying contract for sale or other transaction between the customer and the beneficiary; or

(b) For any act or omission of any person other than itself or its own branch or for loss or destruction of a draft, demand or document in transit or in the possession of others; or

(c) Based on knowledge or lack of knowledge of any usage of any particular trade.

(2) An issuer must examine documents with care so as to ascertain that on their face they appear to comply with the terms of the credit but unless otherwise agreed assumes no liability or responsibility for the genuineness, falsification or effect of any document which appears on such examination to be regular on its face.

(3) A nonbank issuer is not bound by any banking usage of which it has no knowledge.

5110. (1) Unless otherwise specified a credit may be used in portions in the discretion of the beneficiary.

(2) Unless otherwise specified a person by presenting a documentary draft or demand for payment under a credit relinquishes upon its honor all claims to the documents and a person by transferring such draft or demand or causing such presentment authorizes such relinquishment. An explicit reservation of claim makes the draft or demand noncomplying.

5111. (1) Unless otherwise agreed the beneficiary by transferring or presenting a documentary draft or demand for payment warrants to all interested parties that the necessary conditions of the credit have been complied with. This is in addition to any warranties arising under Divisions 3, 4, 7, and 8.

(2) Unless otherwise agreed a negotiating, advising, confirming, collecting or issuing bank presenting or transferring a draft or demand for payment under a credit warrants only the matters warranted by a collecting bank under Division 4 and any such bank transferring a document warrants only the matters warranted by an intermediary under Divisions 7 and 8.

5112. (1) A bank to which a documentary draft or demand for payment is presented under a credit may without dishonor of the draft, demand or credit

(a) Defer honor until the close of the third banking day following receipt of the documents; and

(b) Further defer honor if the presenter has expressly or impliedly consented thereto.

Failure to honor within the time here specified constitutes dishonor of the draft or demand and of the credit.

(2) Upon dishonor the bank may unless otherwise instructed fulfill its duty to return the draft or demand and the documents by holding them at the disposal of the presenter and sending him an advice to that effect.

(3) "Presenter" means any person presenting a draft or demand for payment for honor under a credit even though that person is a confirming bank or other correspondent which is acting under an issuer's authorization.

5113. (1) A bank seeking to obtain (whether for itself or another) honor, negotiation or reimbursement under a credit may give an indemnity to induce such honor, negotiation or reimbursement.

(2) An indemnity agreement inducing honor, negotiation or reimbursement unless otherwise explicitly agreed applies to defects in the documents but not in the goods.

5114. (1) An issuer must honor a draft or demand for payment which complies with the terms of the relevant credit regardless of whether the goods or documents conform to the underlying contract for sale or other contract between the customer and the beneficiary. The issuer is not excused from honor of such a draft or demand by reason of an additional general term that all documents must be satisfactory to the issuer, but an issuer may require that specified documents must be satisfactory to it.

(2) Unless otherwise agreed when documents appear on their face to comply with the terms of a credit but a required document does not in fact conform to the warranties made on negotiation or transfer of a document of title (Section 7507) or of a security (Section 8306) or is forged or fraudulent or there is fraud in the transaction

(a) The issuer must honor the draft or demand for payment if honor is demanded by a negotiating bank or other holder of the draft or demand which has taken the draft or demand under the credit and under circumstances which would make it a holder in due course (Section 3302) and in an appropriate case would make it a person to whom a document of title has been duly negotiated (Section 7501) or a bona fide purchaser of a security (Section 8302); and

(b) In all other cases as against its customer, an issuer acting in good faith may honor the draft or demand for payment despite notification from the customer of fraud, forgery or other defect not apparent on the face of the documents.

(3) Unless otherwise agreed an issuer which has duly honored a draft or demand for payment is entitled to immediate reimbursement of any payment made under the credit and to be put in effectively available funds not later than the day before maturity of any acceptance made under the credit.

5115. (1) When an issuer wrongfully dishonors a draft or demand for payment presented under a credit the person entitled to honor has with respect to any documents the rights of a person in the position of a seller (Section 2707) and may recover from the issuer the face amount of the draft or demand together with incidental damages under Section 2710 on seller's incidental damages and interest but less any amount realized by resale or other use or disposition of the subject matter of the transaction. In the event no resale or other utilization is made the documents, goods or other subject matter involved in the transaction must be turned over to the issuer on payment of judgment.

(2) When an issuer wrongfully cancels or otherwise repudiates a credit before presentment of a draft or demand for payment drawn under it the beneficiary has the rights of a seller after anticipatory repudiation by the buyer under Section 2610 if he learns of the repudiation in time reasonably to

avoid procurement of the required documents. Otherwise the beneficiary has an immediate right of action for wrongful dishonor.

5116. (1) The right to draw under a credit can be transferred or assigned only when the credit is expressly designated as transferable or assignable.

(2) Even though the credit specifically states that it is nontransferable or nonassignable the beneficiary may before performance of the conditions of the credit assign his right to proceeds. Such an assignment is an assignment of a contract right under Division 9 on secured transactions and is governed by that division except that

(a) The assignment is ineffective until the letter of credit or advice of credit is delivered to the assignee which delivery constitutes perfection of the security interest under Division 9; and

(b) The issuer may honor drafts or demands for payment drawn under the credit until it receives a notification of the assignment signed by the beneficiary which reasonably identifies the credit involved in the assignment and contains a request to pay the assignee; and

(c) After what reasonably appears to be such a notification has been received the issuer may without dishonor refuse to accept or pay even to a person otherwise entitled to honor until the letter of credit or advice of credit is exhibited to the issuer.

As used in paragraphs (b) and (c) of this subdivision (2), the word "issuer" includes any confirming bank.

(3) Except where the beneficiary has effectively assigned his right to draw or his right to proceeds, nothing in this section limits his right to transfer or negotiate drafts or demands drawn under the credit.

5117. (1) Where an issuer or an advising or confirming bank or a bank which has for a customer procured issuance of a credit by another bank becomes insolvent before final payment under the credit and the credit is one to which this division is made applicable by paragraph (a) or (b) of Section 5102(1) on scope, the receipt or allocation of funds or collateral to secure or meet obligations under the credit shall have the following results:

(a) To the extent of any funds or collateral turned over after or before the insolvency as indemnity against or specifically for the purpose of payment of drafts or demands for payment drawn under the designated credit, the drafts or demands are entitled to payment in preference over depositors or other general creditors of the issuer or bank; and

(b) On expiration of the credit or surrender of the beneficiary's rights under it unused any person who has given such funds or collateral is similarly entitled to return thereof; and

(c) A charge to a general or current account with a bank if specifically consented to for the purpose of indemnity against or payment of drafts or demands for payment drawn under

the designated credit falls under the same rules as if the funds had been drawn out in cash and then turned over with specific instructions.

(2) After honor or reimbursement under this section the customer or other person for whose account the insolvent bank has acted is entitled to receive the documents involved.

DIVISION 6. BULK TRANSFERS

6101. This division shall be known and may be cited as Uniform Commercial Code—Bulk Transfers.

6102. (1) A "bulk transfer" is any transfer in bulk and not in the ordinary course of the transferor's business of a substantial part of the materials, supplies, merchandise, or other inventory (Section 9109) of an enterprise subject to this division.

(2) A transfer of a substantial part of the equipment (Section 9109) of such an enterprise is also a bulk transfer.

(3) The enterprises subject to this division are all those whose principal business is that of a baker, cafe or restaurant owner, garage owner, cleaner and dyer, or retail or wholesale merchant.

(4) Except as limited by the following section all bulk transfers of goods located within this State are subject to this division.

(5) The word "transfer" as used in this division includes the creation of a security interest.

6103. The following transfers are not subject to this division:

(1) Those made to give

(a) A purchase money security interest (Section 9107);

(b) A security interest in or to inventory consisting of durable goods having a unit retail value of at least five hundred dollars ($500) or motor vehicles, house trailers, trailers, semitrailers, farm and construction machinery and repair parts thereof, or aircraft; or

(c) A security interest in the inventory of a wholesale merchant;

(2) General assignments for the benefit of all the creditors of the transferor, and subsequent transfers by the assignee thereunder;

(3) Transfers of property subject to a lien or other security interest in settlement or realization of such lien or other security interest, if there was compliance with this division in connection with the creation of such lien or security interest or such creation was exempt from compliance with this division;

(4) Sales by executors, administrators, receivers, trustees in bankruptcy, or any public officer under judicial process;

(5) Sales made in the course of judicial or administrative proceedings for the dissolution or reorganization of a corporation and of which notice is sent to the creditors of the cor-

poration pursuant to order of the court or administrative agency;

(6) Transfers of property which is exempt from execution;

(7) The transfer of goods in a warehouse where a warehouse receipt has been issued therefor by a warehouseman (Section 7102) and a copy of such receipt is kept at the principal place of business of the warehouseman and at the warehouse in which said goods are stored.

6105. Any bulk transfer subject to this division except one made by auction sale (Section 6108) is fraudulent and void against any creditor of the transferor unless the transferee gives notice of the transfer in the manner and within the time hereafter provided (Section 6107).

6107. (1) The notice to creditors (Section 6105) shall state:

(a) That a bulk transfer is about to be made; and

(b) The names and business addresses of the transferor and transferee, and all other business names and addresses used by the transferor within three years last past so far as known to the transferee; and

(c) The location and general description of the property to be transferred; and

(d) The place, and the date on or after which, the bulk transfer is to be consummated.

(2) The notice shall be

(a) Recorded in the office of the county recorder in the county or counties in which the property to be transferred is located at least 10 days before the bulk transfer is to be consummated or the sale by auction is to be commenced; and

(b) Published at least once in a newspaper of general circulation published in the judicial district in which the property is located, if there is one, and if there is none, then in a newspaper of general circulation in the county embracing such judicial district, at least five days before the bulk transfer is to be consummated or the sale by auction is to be commenced.

6108. (1) A bulk transfer is subject to this division even though it is by sale at auction, but only in the manner and with the results stated in this section.

(2) The person or persons other than the transferor who direct, control or are responsible for the auction are collectively called the "auctioneer." The auctioneer shall be responsible for giving the notice of the transfer (Section 6107). In the case of a sale by auction, in addition to the matters specified in Section 6107, the notice shall state that the sale is to be by auction, the name of the auctioneer, and the time and place of the auction.

(3) Failure of the auctioneer to give the notice of the transfer does not affect the validity of the sale to or the title of the purchasers, but such failure renders the auctioneer liable to the creditors of the transferor as a class for the sums owing to them from the transferor up to but not exceeding the reason-

able value of the assets sold. If the auctioneer consists of several persons their liability is joint and several.

6109. The creditors of the transferor mentioned in this division are those holding claims based on transactions or events occurring before the bulk transfer.

6110. When the title of a transferee to property is subject to a defect by reason of his noncompliance with the requirements of this division, then:

(1) A purchaser of any such property from such transferee who pays no value or who takes with notice of such noncompliance takes subject to such defect, but

(2) A purchaser for value in good faith and without such notice takes free of such defect.

6111. No action under this division shall be brought nor levy made more than one year after the date on which the transferee took possession of the goods unless the transfer has been concealed. If the transfer has been concealed, an action may be brought or levy made within one year after its discovery by the creditor bringing such action or making such levy or after it should have been discovered by such creditor in the exercise of reasonable diligence, whichever first occurs.

DIVISION 7. WAREHOUSE RECEIPTS, BILLS OF LADING AND OTHER DOCUMENTS OF TITLE

CHAPTER 1. GENERAL

7101. This division shall be known and may be cited as Uniform Commercial Code—Documents of Title.

7102. (1) In this division, unless the context otherwise requires:

(a) "Bailee" means the person who by a warehouse receipt, bill of lading or other document of title acknowledges possession of goods and contracts to deliver them.

(b) "Consignee" means the person named in a bill to whom or to whose order the bill promises delivery.

(c) "Consignor" means the person named in a bill as the person from whom the goods have been received for shipment.

(e) "Document" means document of title as defined in the general definitions in Division 1 (Section 1201).

(f) "Goods" means all things which are treated as movable for the purposes of a contract of storage or transportation.

(g) "Issuer" means a bailee who issues a document. Issuer includes any person for whom an agent or employee purports to act in issuing a document if the agent or employee has real or apparent authority to issue documents, notwithstanding that the issuer received no goods or that the goods were misdescribed or that in any other respect the agent or employee violated his instructions.

(h) "Warehouseman" is a person engaged in the business of storing goods for hire.

(2) Other definitions applying to this division or to specified chapters thereof, and the sections in which they appear are:

"Duly negotiate." Section 7501.

"Person entitled under the document." Section 7403(4).

(3) Definitions in other divisions applying to this division and the sections in which they appear are:

"Contract for sale." Section 2106.

"Overseas." Section 2323.

"Receipt" of goods. Section 2103.

(4) In addition Division 1 contains general definitions and principles of construction and interpretation applicable throughout this division.

7103. To the extent that any treaty or statute of the United States, regulatory statute of this State, or tariff, classification or regulation filed or issued pursuant thereto is applicable, the provisions of this division are subject thereto.

7104. (1) A warehouse receipt, bill of lading or other document of title is negotiable

(a) If by its terms the goods are to be delivered to bearer or to the order of a named person; or

(b) Where recognized in overseas trade, if it runs to a named person or assigns.

(2) Any other document is nonnegotiable. A bill of lading in which it is stated that the goods are consigned to a named person is not made negotiable by a provision that the goods are to be delivered only against a written order signed by the same or another named person.

(3) A nonnegotiable warehouse receipt and a nonnegotiable bill of lading must be conspicuously (Section 1201) marked "nonnegotiable." In case of the bailee's failure to do so, a holder of the document who purchased it for value supposing it to be negotiable may, at his option, treat such document as imposing upon the bailee the same liabilities he would have incurred had the document been negotiable.

7105. The omission from either Chapter 2 or Chapter 3 of this division of a provision corresponding to a provision made in the other chapter does not imply that a corresponding rule of law is not applicable.

CHAPTER 2 WAREHOUSE RECEIPTS: SPECIAL PROVISIONS

7201. (1) A warehouse receipt may be issued by any warehouseman.

(2) Where goods including distilled spirits and agricultural commodities are stored under a statute requiring a bond against withdrawal or a license for the issuance of receipts in the nature of warehouse receipts, a receipt issued for the goods has like effect as a warehouse receipt even though issued by a person who is the owner of the goods and is not a warehouseman

7202. (1) A warehouse receipt need not be in any particular form.

(2) Unless a warehouse receipt embodies within its written or printed terms each of the following, the warehouseman is liable for damages caused by the omission to a person injured thereby:

(a) The location of the warehouse where the goods are stored;

(b) The date of issue of the receipt;

(c) The consecutive number of the receipt;

(d) A statement whether the goods received will be delivered to the bearer, to a specified person, or to a specified person or his order;

(e) The rate of storage and handling charges, except that where goods are stored under a field warehousing arrangement a statement of that fact is sufficient on a nonnegotiable receipt and except that where goods are stored in a public utility warehouse having a lawful tariff on file with the Public Utilities Commission, a statement that the rate of storage and handling charges are as provided in such tariff is sufficient;

(f) A description of the goods or of the packages containing them;

(g) The signature of the warehouseman, which may be made by his authorized agent;

(h) If the receipt is issued for goods of which the warehouseman is owner, either solely or jointly or in common with others, the fact of such ownership; and

(i) A statement of the amount of advances made and of liabilities incurred for which the warehouseman claims a lien or security interest (Section 7209). If the precise amount of such advances made or of such liabilities incurred is, at the time of the issue of the receipt, unknown to the warehouseman or to his agent who issues it, a statement of the fact that advances have been made or liabilities incurred and the purpose thereof is sufficient.

(3) A warehouseman may insert in his receipt any other terms which are not contrary to the provisions of this code and do not impair his obligation of delivery (Section 7403) or his duty of care (Section 7204). Any contrary provisions shall be ineffective.

7203. A party to or purchaser for value in good faith of a document of title other than a bill of lading relying in either case upon the description therein of the goods may recover from the issuer damages caused by the nonreceipt or misdescription of the goods, except to the extent that the document conspicuously indicates that the issuer does not know whether any part or all of the goods in fact were received or conform to the description, as where the description is in terms of marks or labels or kind, quantity or condition, or the receipt or description is qualified by "contents, condition and quality unknown," "said to contain" or the like, if such indication be true, or the party or purchaser otherwise has notice.

7204. (1) A warehouseman is liable for damages for loss of or injury to the goods caused by his failure to exercise such

care in regard to them as a reasonably careful man would exercise under like circumstances but unless otherwise agreed he is not liable for damages which could not have been avoided by the exercise of such care.

(2) Damages may be limited by a term in the warehouse receipt or storage agreement limiting the amount of liability in case of loss or damage, and setting forth a specific liability per article or item, or value per unit of weight, beyond which the warehouseman shall not be liable; provided, however, that such liability may on written request of the bailor at the time of signing such storage agreement or within a reasonable time after receipt of the warehouse receipt be increased on part or all of the goods thereunder, in which event increased rates may be charged based on such increased valuation, but that no such increase shall be permitted contrary to a lawful limitation of liability contained in the warehouseman's tariff, if any, nor permit recovery in excess of the actual value of the goods. No such limitation is effective with respect to the warehouseman's liability for conversion to his own use.

(3) Reasonable provisions as to the time and manner of presenting claims and instituting actions based on the bailment may be included in the warehouse receipt or tariff.

(4) This section does not impair or repeal Section 1630 of the Civil Code nor any of the provisions of the Public Utilities Code or the Agricultural Code or any lawful regulations issued thereunder.

7205. A buyer in the ordinary course of business of fungible goods sold and delivered by a warehouseman who is also in the business of buying and selling such goods takes free of any claim under a warehouse receipt even though it has been duly negotiated.

7206. (1) A warehouseman may on notifying the person on whose account the goods are held and any other person known to claim an interest in the goods require payment of any charges and removal of the goods from the warehouse at the termination of the period of storage fixed by the document, or, if no period is fixed, within a stated period not less than 30 days after the notification. If the goods are not removed before the date specified in the notification, the warehouseman may sell them in accordance with the provisions of the section on enforcement of a warehouseman's lien (Section 7210).

(2) If a warehouseman in good faith believes that the goods are about to deteriorate or decline in value to less than the amount of his lien within the time prescribed in subdivision (1) for notification, advertisement and sale, the warehouseman may specify in the notification any reasonable shorter time for removal of the goods and in case the goods are not removed, may sell them at public sale held not less than one week after a single advertisement or posting.

(3) If as a result of a quality or condition of the goods of which the warehouseman had no notice at the time of deposit the goods are a hazard to other property or to the warehouse or to persons, the warehouseman may sell the goods at public or

private sale without advertisement on reasonable notification to all persons known to claim an interest in the goods. If the warehouseman after a reasonable effort is unable to sell the goods he may dispose of them in any lawful manner and shall incur no liability by reason of such disposition.

(4) The warehouseman must deliver the goods to any person entitled to them under this division upon due demand made at any time prior to sale or other disposition under this section and payment of any amount necessary to satisfy the warehouseman's lien and reasonable expenses incurred under this section.

(5) The warehouseman may satisfy his lien from the proceeds of any sale or disposition under this section but must hold the balance for delivery on the demand of any person to whom he would have been bound to deliver the goods.

7207. (1) Unless the warehouse receipt otherwise provides, a warehouseman must keep separate the goods covered by each receipt so as to permit at all times identification and delivery of those goods except that different lots of fungible goods may be commingled.

(2) Fungible goods so commingled are owned in common by the persons entitled thereto and the warehouseman is severally liable to each owner for that owner's share. Where because of overissue a mass of fungible goods is insufficient to meet all the receipts which the warehouseman has issued against it, the persons entitled include all holders to whom overissued receipts have been duly negotiated.

7208. Where a blank in a negotiable warehouse receipt has been filled in without authority, a purchaser for value and without notice of the want of authority may treat the insertion as authorized. Any other unauthorized alteration leaves any receipt enforceable against the issuer according to its original tenor.

7209. (1) A warehouseman has a lien against the bailor on the goods deposited or on the proceeds thereof in his possession for charges for storage, processing incidental to storage, or transportation, including demurrage and terminal charges, insurance, labor, or charges present or future in relation to the goods, and for expenses necessary for preservation of the goods or reasonably incurred in their sale pursuant to law. If the person on whose account the goods are held is liable for like charges or expenses in relation to other goods whenever deposited, the warehouseman also has a lien against him for such charges and expenses whether or not the other goods have been delivered by the warehouseman. But against a person to whom a negotiable warehouse receipt is duly negotiated a warehouseman's lien is limited to charges specified on the receipt or if no charges are so specified then to a reasonable charge for storage of the goods covered by the receipt subsequent to the date of the receipt.

(2) The warehouseman may also reserve a security interest against the bailor for charges other than those specified in

subdivision (1), such as for money advanced and interest, but if a receipt is issued for the goods such a security interest is not valid as against third persons without notice unless the maximum amount thereof is conspicuously specified (Section 1201) on the receipt. Such a security interest is governed by the division on secured transactions (Division 9).

(3) A warehouseman's lien for charges and expenses under subdivision (1) or a security interest under subdivision (2) is also effective against any person who so entrusted the bailor with possession of the goods that a pledge of them by him to a good faith purchaser for value would have been valid but is not effective against a person as to whom the document confers no right in the goods covered by it under Section 7503.

(4) A warehouseman loses his lien on any goods which he voluntarily delivers or which he unjustifiably refuses to deliver.

7210. (1) Except as provided in subdivision (2), a warehouseman's lien may be enforced by public or private sale of the goods in bloc or in parcels, at any time or place and on any terms which are commercially reasonable, after notifying all persons known to claim an interest in the goods. Such notification must include a statement of the amount due, the nature of the proposed sale and the time and place of any public sale. The fact that a better price could have been obtained by a sale at a different time or in a different method from that selected by the warehouseman is not of itself sufficient to establish that the sale was not made in a commercially reasonable manner. If the warehouseman either sells the goods in the usual manner in any recognized market therefor, or if he sells at the price current in such market at the time of his sale, or if he has otherwise sold in conformity with commercially reasonable practices among dealers in the type of goods sold, he has sold in a commercially reasonable manner. A sale of more goods than apparently necessary to be offered to insure satisfaction of the obligation is not commercially reasonable except in cases covered by the preceding sentence.

(2) A warehouseman's lien on goods other than goods stored by a merchant in the course of his business may be enforced only as follows:

(a) All persons known to claim an interest in the goods must be notified.

(b) The notification must be delivered in person or sent by registered or certified letter to the last known address of any person to be notified.

(c) The notification must include an itemized statement of the claim, a description of the goods subject to the lien, a demand for payment within a specified time not less than 10 days after receipt of the notification, and a conspicuous statement that unless the claim is paid within that time the goods will be advertised for sale and sold by auction at a specified time and place.

(d) The sale must conform to the terms of the notification.

(e) The sale must be held at the nearest suitable place to that where the goods are held or stored

(f) After the expiration of the time given in the notification, an advertisement of the sale must be published once a week for two weeks consecutively in a newspaper of general circulation published in the judicial district where the sale is to be held. The advertisement must include a description of the goods, the name of the person on whose account they are being held, and the time and place of the sale. The sale must take place at least 15 days after the first publication. If there is no newspaper of general circulation published in the judicial district where the sale is to be held, the advertisement must be posted at least 10 days before the sale in not less than six conspicuous places in the neighborhood of the proposed sale.

(3) Before any sale pursuant to this section any person claiming a right in the goods may pay the amount necessary to satisfy the lien and the reasonable expenses incurred under this section. In that event the goods must not be sold, but must be retained by the warehouseman subject to the terms of the receipt and this division.

(4) The warehouseman may buy at any public sale pursuant to this section.

(5) A purchaser in good faith of goods sold to enforce a warehouseman's lien takes the goods free of any rights of persons against whom the lien was valid, despite noncompliance by the warehouseman with the requirements of this section.

(6) The warehouseman may satisfy his lien from the proceeds of any sale pursuant to this section but must hold the balance, if any, for delivery on demand to any person to whom he would have been bound to deliver the goods.

(7) The rights provided by this section shall be in addition to all other rights allowed by law to a creditor against his debtor.

(8) Where a lien is on goods stored by a merchant in the course of his business the lien may be enforced in accordance with either subdivision (1) or (2).

(9) The warehouseman is liable for damages caused by failure to comply with the requirements for sale under this section and in case of willful violation is liable for conversion.

CHAPTER 3. BILLS OF LADING: SPECIAL PROVISIONS

7301 (1) A consignee of a nonnegotiable bill who has given value in good faith or a holder to whom a negotiable bill has been duly negotiated relying in either case upon the description therein of the goods, or upon the date therein shown, may recover from the issuer damages caused by the misdating of the bill or the nonreceipt or misdescription of the goods, except to the extent that the document indicates that the issuer does not know whether any part or all of the goods

in fact were received or conform to the description, as where the description is in terms of marks or labels or kind, quantity, or condition or the receipt or description is qualified by "contents or condition of contents of packages unknown," "said to contain," "shipper's weight, load and count" or the like, if such indication be true.

(2) When goods are loaded by an issuer who is a common carrier, the issuer must count the packages of goods if package freight and ascertain the kind and quantity if bulk freight. In such cases "shipper's weight, load and count" or other words indicating that the description was made by the shipper are ineffective except as to freight concealed by packages.

(3) When bulk freight is loaded by a shipper who makes available to the issuer adequate facilities for weighing such freight, an issuer who is a common carrier must ascertain the kind and quantity within a reasonable time after receiving the written request of the shipper to do so In such cases "shipper's weight" or other words of like purport are ineffective.

(4) The issuer may by inserting in the bill the words "shipper's weight, load and count" or other words of like purport indicate that the goods were loaded by the shipper; and if such statement be true the issuer shall not be liable for damages caused by the improper loading. But their omission does not imply liability for such damages

(5) The shipper shall be deemed to have guaranteed to the issuer the accuracy at the time of shipment of the description, marks, labels, number, kind, quantity, condition and weight, as furnished by him; and the shipper shall indemnify the issuer against damage caused by inaccuracies in such particulars. The right of the issuer to such indemnity shall in no way limit his responsibility and liability under the contract of carriage to any person other than the shipper.

7302. (1) The issuer of a through bill of lading or other document embodying an undertaking to be performed in part by persons acting as its agents or by connecting carriers is liable to anyone entitled to recover on the document for any breach by such other persons or by a connecting carrier of its obligation under the document but to the extent that the bill covers an undertaking to be performed overseas or in territory not contiguous to the continental United States or an undertaking including matters other than transportation this liability may be varied by agreement of the parties.

(2) Where goods covered by a through bill of lading or other document embodying an undertaking to be performed in part by persons other than the issuer are received by any such person, he is subject with respect to his own performance while the goods are in his possession to the obligation of the issuer. His obligation is discharged by delivery of the goods to another such person pursuant to the document, and does not include liability for breach by any other such persons or by the issuer.

(3) The issuer of such through bill of lading or other document shall be entitled to recover from the connecting carrier or such other person in possession of the goods when the breach of the obligation under the document occurred, the amount it may be required to pay to anyone entitled to recover on the document therefor, as may be evidenced by any receipt, judgment, or transcript thereof, and the amount of any expense reasonably incurred by it in defending any action brought by anyone entitled to recover on the document therefor.

7303. (1) Unless the bill of lading otherwise provides, the carrier may deliver the goods to a person or destination other than that stated in the bill or may otherwise dispose of the goods on instructions from

(a) The holder of a negotiable bill; or

(b) The consignor on a nonnegotiable bill notwithstanding contrary instructions from the consignee; or

(c) The consignee on a nonnegotiable bill in the absence of contrary instructions from the consignor, if the goods have arrived at the billed destination or if the consignee is in possession of the bill; or

(d) The consignee on a nonnegotiable bill if he is entitled as against the consignor to dispose of them.

(2) Unless such instructions are noted on a negotiable bill of lading, a person to whom the bill is duly negotiated can hold the bailee according to the original terms.

7304. (1) Except where customary in overseas transportation, a bill of lading must not be issued in a set of parts. The issuer is liable for damages caused by violation of this subdivision.

(2) Where a bill of lading is lawfully drawn in a set of parts, each of which is numbered and expressed to be valid only if the goods have not been delivered against any other part, the whole of the parts constitute one bill.

(3) Where a bill of lading is lawfully issued in a set of parts and different parts are negotiated to different persons, the title of the holder to whom the first due negotiation is made prevails as to both the document and the goods even though any later holder may have received the goods from the carrier in good faith and discharged the carrier's obligation by surrender of his part.

(4) Any person who negotiates or transfers a single part of a bill of lading drawn in a set is liable to holders of that part as if it were the whole set.

(5) The bailee is obliged to deliver in accordance with Chapter 4 of this division against the first presented part of a bill of lading lawfully drawn in a set. Such delivery discharges the bailee's obligation on the whole bill.

7305 (1) Instead of issuing a bill of lading to the consignor at the place of shipment a carrier may at the request of the consignor procure the bill to be issued at destination or at any other place designated in the request.

(2) Upon request of anyone entitled as against the carrier to control the goods while in transit and on surrender of any outstanding bill of lading or other receipt covering such goods, the issuer may procure a substitute bill to be issued at any place designated in the request.

7306. An unauthorized alteration or filling in of a blank in a bill of lading leaves the bill enforceable according to its original tenor.

7307. (1) A carrier has a lien on the goods covered by a bill of lading for charges subsequent to the date of its receipt of the goods for storage or transportation (including demurrage and terminal charges) and for expenses necessary for preservation of the goods incident to their transportation or reasonably incurred in their sale pursuant to law. But against a purchaser for value of a negotiable bill of lading a carrier's lien is limited to charges stated in the bill or the applicable tariffs, or if no charges are stated then to a reasonable charge.

(2) A lien for charges and expenses under subdivision (1) on goods which the carrier was required by law to receive for transportation is effective against the consignor or any person entitled to the goods unless the carrier had notice that the consignor lacked authority to subject the goods to such charges and expenses. Any other lien under subdivision (1) is effective against the consignor and any person who permitted the bailor to have control or possession of the goods unless the carrier had notice that the bailor lacked such authority.

(3) A carrier loses his lien on any goods which he voluntarily delivers or which he unjustifiably refuses to deliver.

7308. (1) A carrier's lien may be enforced by public or private sale of the goods, in bloc or in parcels, at any time or place and on any terms which are commercially reasonable, after notifying all persons known to claim an interest in the goods. Such notification must include a statement of the amount due, the nature of the proposed sale and the time and place of any public sale The fact that a better price could have been obtained by a sale at a different time or in a different method from that selected by the carrier is not of itself sufficient to establish that the sale was not made in a commercially reasonable manner. If the carrier either sells the goods in the usual manner in any recognized market therefor or if he sells at the price current in such market at the time of his sale or if he has otherwise sold in conformity with commercially reasonable practices among dealers in the type of goods sold he has sold in a commercially reasonable manner. A sale of more goods than apparently necessary to be offered to ensure satisfaction of the obligation is not commercially reasonable except in cases covered by the preceding sentence.

(2) Before any sale pursuant to this section any person claiming a right in the goods may pay the amount necessary to satisfy the lien and the reasonable expenses incurred under this section. In that event the goods must not be sold, but must

be retained by the carrier subject to the terms of the bill and this division.

(3) The carrier may buy at any public sale pursuant to this section.

(4) A purchaser in good faith of goods sold to enforce a carrier's lien takes the goods free of any rights of persons against whom the lien was valid, despite noncompliance by the carrier with the requirements of this section.

(5) The carrier may satisfy his lien from the proceeds of any sale pursuant to this section but must hold the balance, if any, for delivery on demand to any person to whom he would have been bound to deliver the goods.

(6) The rights provided by this section shall be in addition to all other rights allowed by law to a creditor against his debtor.

(7) A carrier's lien may be enforced in accordance with either subdivision (1) or the procedure set forth in subdivision (2) of Section 7210.

(8) The carrier is liable for damages caused by failure to comply with the requirements for sale under this section and in case of willful violation is liable for conversion.

7309. (1) A carrier who issues a bill of lading whether negotiable or nonnegotiable must exercise the degree of care in relation to the goods which a reasonably careful man would exercise under like circumstances. This subdivision does not repeal or change any law or rule of law which imposes liability upon a common carrier for damages not caused by its negligence.

(2) Damages may be limited by a provision that the carrier's liability shall not exceed a value stated in the document if the carrier's rates are dependent upon value and the consignor by the carrier's tariff is afforded an opportunity to declare a higher value or a value as lawfully provided in the tariff, or where no tariff is filed he is otherwise advised of such opportunity; but no such limitation is effective with respect to the carrier's liability for conversion to its own use.

(3) Reasonable provisions as to the time and manner of presenting claims and instituting actions based on the shipment may be included in a bill of lading or tariff.

CHAPTER 4. WAREHOUSE RECEIPTS AND BILLS OF LADING: GENERAL OBLIGATIONS

7401. The obligations imposed by this division on an issuer apply to a document of title regardless of the fact that

(a) The document may not comply with the requirements of this division or of any other law or regulation regarding its issue, form or content; or

(b) The issuer may have violated laws regulating the conduct of his business; or

(c) The goods covered by the document were owned by the bailee at the time the document was issued; or

(d) The person issuing the document does not come within the definition of warehouseman if it purports to be a warehouse receipt.

7402. Neither a duplicate nor any other document of title purporting to cover goods already represented by an outstanding document of the same issuer confers any right in the goods, except as provided in the case of bills in a set, overissue of documents for fungible goods and substitutes for lost, stolen or destroyed documents. But the issuer is liable for damages caused by his overissue or failure to identify a duplicate document as such by conspicuous notation on its face.

7403. (1) The bailee must deliver the goods to a person entitled under the document who complies with subdivisions (2) and (3), unless and to the extent that the bailee establishes any of the following:

(a) Delivery of the goods to a person whose receipt was rightful as against the claimant;

(b) Damage to or delay, loss or destruction of the goods for which the bailee is not liable, but the burden of establishing negligence in case of damage or destruction by fire is on the person entitled under the document;

(c) Previous sale or other disposition of the goods in lawful enforcement of a lien or on warehouseman's lawful termination of storage;

(d) The exercise by a seller of his right to stop delivery pursuant to the provisions of the division on sales (Section 2705);

(e) A diversion, reconsignment or other disposition pursuant to the provisions of this division (Section 7303) or tariff regulating such right;

(f) Release, satisfaction or any other fact affording a personal defense against the claimant;

(g) Any other lawful excuse.

(2) A person claiming goods covered by a document of title must satisfy the bailee's lien where the bailee so requests or where the bailee is prohibited by law from delivering the goods until the charges are paid.

(3) The person claiming must surrender for cancellation or notation of partial deliveries any outstanding negotiable document covering the goods, and the bailee must cancel the document or conspicuously note the partial delivery thereon or be liable to any person to whom the document is duly negotiated.

(4) "Person entitled under the document" means holder in the case of a negotiable document, or the person to whom delivery is to be made by the terms of or pursuant to written instructions under a nonnegotiable document.

7404. A bailee who in good faith including observance of reasonable commercial standards has received goods and delivered or otherwise disposed of them according to the terms of the document of title or pursuant to this division is not liable therefor. This rule applies even though the person from whom he received the goods had no authority to procure the

document or to dispose of the goods and even though the person to whom he delivered the goods had no authority to receive them.

Chapter 5. Warehouse Receipts and Bills of Lading: Negotiation and Transfer

7501. (1) A negotiable document of title running to the order of a named person is negotiated by his indorsement and delivery. After his indorsement in blank or to bearer any person can negotiate it by delivery alone.

(2) (a) A negotiable document of title is also negotiated by delivery alone when by its original terms it runs to bearer.

(b) When a document running to the order of a named person is delivered to him the effect is the same as if the document had been negotiated.

(3) Negotiation of a negotiable document of title after it has been indorsed to a specified person requires indorsement by the special indorsee as well as delivery.

(4) A negotiable document of title is "duly negotiated" when it is negotiated in the manner stated in this section to a holder who purchases it in good faith without notice of any defense against or claim to it on the part of any person and for value.

(5) Indorsement of a nonnegotiable document neither makes it negotiable nor adds to the transferee's rights.

(6) The naming in a negotiable bill of a person to be notified of the arrival of the goods does not limit the negotiability of the bill nor constitute notice to a purchaser thereof of any interest of such person in the goods.

7502. (1) Subject to the following section and to the provisions of Section 7205 on fungible goods, a holder to whom a negotiable document of title has been duly negotiated acquires thereby:

(a) Title to the document;

(b) Title to the goods;

(c) All rights accruing under the law of agency or estoppel, including rights to goods delivered to the bailee after the document was issued; and

(d) The direct obligation of the issuer to hold or deliver the goods according to the terms of the document free of any defense or claim by him except those arising under the terms of the document or under this division.

(2) Subject to the following section, title and rights so acquired are not defeated by any stoppage of the goods represented by the document or by surrender of such goods by the bailee, and are not impaired even though the negotiation or any prior negotiation constituted a breach of duty or even though any person has been deprived of possession of the document by misrepresentation, fraud, accident, mistake, duress, loss, theft or conversion, or even though a previous sale or

other transfer of the goods or document has been made to a third person.

7503. (1) A document of title confers no right in goods against a person who before issuance of the document had a legal interest or a perfected security interest in them and who neither

(a) Delivered nor entrusted them nor any document of title covering them to the bailor or his nominee with actual or apparent authority to ship, store or sell or with power to obtain delivery under this division (Section 7403) or with power of disposition under this code (Sections 2403 and 9307) or other statute or rule of law.

(3) Title to goods based upon a bill of lading issued to a freight forwarder is subject to the rights of anyone to whom a bill issued by the freight forwarder is duly negotiated; but delivery by the carrier in accordance with Chapter 4 of this division pursuant to its own bill of lading discharges the carrier's obligation to deliver.

7504. (1) A transferee of a document, whether negotiable or nonnegotiable, to whom the document has been delivered but not duly negotiated, acquires the title and rights which his transferor had or had actual authority to convey.

(2) In the case of a nonnegotiable document, until but not after the bailee receives notification of the transfer, the rights of the transferee may be defeated

(a) By those creditors of the transferor who could treat the sale as void under Section 2402; or

(b) By a buyer from the transferor in ordinary course of business if the bailee has delivered the goods to the buyer or received notification of his rights; or

(c) As against the bailee by good faith dealings of the bailee with the transferor.

(3) A diversion or other change of shipping instructions by the consignor in a nonnegotiable bill of lading which causes the bailee not to deliver to the consignee defeats the consignee's title to the goods if they have been delivered to a buyer in ordinary course of business and in any event defeats the consignee's rights against the bailee.

(4) Delivery pursuant to a nonnegotiable document may be stopped by a seller under Section 2705, and subject to the requirement of due notification there provided. A bailee honoring the seller's instructions is entitled to be indemnified by the seller against any resulting loss or expense.

7505. The indorsement of a document of title issued by a bailee does not make the indorser liable for any default by the bailee or by previous indorsers.

7506. The transferee of a negotiable document of title has a specifically enforceable right to have his transferor supply any necessary indorsement but the transfer becomes a negotiation only as of the time the indorsement is supplied.

7507. Where a person negotiates or transfers a document of title for value otherwise than as a mere intermediary or

secured party under the next following section, then unless otherwise agreed he warrants to his immediate purchaser only in addition to any warranty made in selling the goods

(a) That the document is genuine; and

(b) That he has no knowledge of any fact which would impair its validity or worth; and

(c) That his negotiation or transfer is rightful and fully effective with respect to the title to the document and the goods it represents.

7508. A collecting bank or other intermediary known to be entrusted with documents on behalf of another or with collection of a draft or other claim against delivery of documents, and a holder of documents for security, warrant by delivery of documents against payment only their own good faith and authority. This rule applies even though the intermediary has purchased or made advances against the claim or draft to be collected.

7509. The question whether a document is adequate to fulfill the obligations of a contract for sale or the conditions of a credit is governed by the divisions on sales (Division 2) and on letters of credit (Division 5).

Chapter 6. Warehouse Receipts and Bills of Lading: Miscellaneous Provisions

7601. (1) If a document has been lost, stolen or destroyed, a court may order delivery of the goods or issuance of a substitute document and the bailee may without liability to any person comply with such order. If the document was negotiable the claimant must post security approved by the court to indemnify any person who may suffer loss as a result of nonsurrender of the document. If the document was not negotiable, such security may be required at the discretion of the court. The court may also in its discretion order payment of the bailee's reasonable costs and counsel fees.

(2) A bailee who without court order delivers goods to a person claiming under a missing negotiable document is liable to any person injured thereby, and if the delivery is not in good faith becomes liable for conversion. Delivery in good faith is not conversion if made in accordance with a filed classification or tariff or, where no classification or tariff is filed, if the claimant posts security with the bailee in an amount at least double the value of the goods at the time of posting to indemnify any person injured by the delivery who files a notice of claim within one year after the delivery.

7602. Except where the document was originally issued upon delivery of the goods by a person who had no power to dispose of them, no lien attaches by virtue of any judicial process to goods in the possession of a bailee for which a negotiable document of title is outstanding unless the document be first surrendered to the bailee or its negotiation enjoined, and the bailee shall not be compelled to deliver the goods pursuant

to process until the document is surrendered to him or impounded by the court. One who purchases the document for value without notice of the process or injunction takes free of the lien imposed by judicial process.

7603. If more than one person claims title or possession of the goods, the bailee or warehouseman is excused from delivery until he has had a reasonable time to ascertain the validity of the adverse claims or to bring an action to compel all claimants to interplead and may compel such interpleader, either in defending an action for nondelivery of the goods, or by original action, whichever is appropriate.

DIVISION 8. INVESTMENT SECURITIES

CHAPTER 1. SHORT TITLE AND GENERAL MATTERS

8101. This division shall be known and may be cited as Uniform Commercial Code—Investment Securities.

8102. (1) In this division unless the context otherwise requires

(a) A "security" is an instrument which

(i) Is issued in bearer or registered form; and

(ii) Is of a type commonly dealt in upon securities exchanges or markets or commonly recognized in any area in which it is issued or dealt in as a medium for investment; and

(iii) Is either one of a class or series or by its terms is divisible into a class or series of instruments; and

(iv) Evidences a share, participation or other interest in property or in an enterprise or evidences an obligation of the issuer.

(b) A writing which is a security is governed by this division and not by Uniform Commercial Code—Commercial Paper even though it also meets the requirements of that division. This division does not apply to money.

(c) A security is in "registered form" when it specifies a person entitled to the security or to the rights it evidences and when its transfer may be registered upon books maintained for that purpose by or on behalf of an issuer or the security so states.

(d) A security is in "bearer form" when it runs to bearer according to its terms and not by reason of any indorsement.

(3) A "subsequent purchaser" is a person who takes other than by original issue.

(4) Other definitions applying to this division or to specified chapters thereof and the sections in which they appear are:

"Adverse claim." Section 8301.

"Bona fide purchaser." Section 8302.

"Broker." Section 8303.

"Guarantee of the signature." Section 8402.

"Intermediary Bank." Section 4105.

"Issuer." Section 8201.

"Overissue." Section 8104.

(5) In addition Division 1 contains general definitions and principles of construction and interpretation applicable throughout this division.

(6) A "clearing corporation" is a corporation, all of the capital stock of which is held by or for a national securities exchange registered under a statute of the United States such as the Securities Exchange Act of 1934.

(7) A "custodian bank" is any bank or trust company which is supervised by state or federal authority having supervision over banks and which is acting as custodian for a clearing corporation.

8103. A lien upon a security in favor of an issuer thereof is valid against a purchaser only if the right of the issuer to such lien is noted conspicuously on the security.

8104. (1) The provisions of this division which validate a security or compel its issue or reissue do not apply to the extent that validation, issue or reissue would result in overissue; but

(a) If an identical security which does not constitute an overissue is reasonably available for purchase, the person entitled to issue or validation may compel the issuer to purchase and deliver such a security to him against surrender of the security, if any, which he holds; or

(b) If a security is not so available for purchase, the person entitled to issue or validation may recover from the issuer the price he or the last purchaser for value paid for it with interest from the date of his demand.

(2) "Overissue" means the issue of securities in excess of the amount which the issuer has corporate power to issue.

8105. (2) In any action on a security

(a) Unless specifically denied in the pleadings, each signature on the security or in a necessary indorsement is admitted;

(b) When the effectiveness of a signature is put in issue the burden of establishing it is on the party claiming under the signature but the signature is presumed to be genuine or authorized;

(c) When signatures are admitted or established production of the instrument entitles a holder to recover on it unless the defendant establishes a defense or a defect going to the validity of the security; and

(d) After it is shown that a defense or defect exists the plaintiff has the burden of establishing that he or some person under whom he claims is a person against whom the defense or defect is ineffective (Section 8202).

8106. (1) The validity of a security and the duty of an issuer to register a transfer (Section 8401) are governed by the law of the jurisdiction of organization of the issuer or, in the case of any national bank or other corporation organized under the laws of the United States, by the law of the jurisdiction in which such bank or other corporation has its principal place of business. (See Section 8107)

(2) Except as provided in subdivision (1), the rights and duties of the issuer with respect to registration of transfer are governed by this division, if the books upon which such transfer is sought or made are regularly kept within this State.

(3) Subject to the provisions of subdivisions (1) and (2), the provisions of this division apply to any issue or transfer of a security made in this State.

(4) This division applies to the rights and duties of a person other than the corporation and its transfer agents with regard to acts and omissions in this State in connection with the acquisition, disposition, assignment or transfer of a security by or to a fiduciary and of a person who guarantees in this State the signature of a fiduciary in connection with such a transaction.

8107. Nothing in this division shall be construed to modify any of the provisions of the Corporate Securities Law the Insurance Code, the Financial Code, or the Public Utilities Code.

CHAPTER 2. ISSUE—ISSUER

8201. (1) With respect to obligations on or defenses to a security "issuer" includes a person who

(a) Places or authorizes the placing of his name on a security (otherwise than as authenticating trustee, registrar, transfer agent or the like) to evidence that it represents a share, participation or other interest in his property or in an enterprise or to evidence his duty to perform an obligation evidenced by the security; or

(b) Directly or indirectly creates fractional interests in his rights or property which fractional interests are evidenced by securities; or

(c) Becomes responsible for or in place of any other person described as an issuer in this section.

(2) With respect to obligations on or defenses to a security a guarantor is an issuer to the extent of his guaranty whether or not his obligation is noted on the security.

(3) With respect to registration of transfer (Chapter 4 of this division) "issuer" means a person on whose behalf transfer books are maintained.

8202. (1) Even against a purchaser for value and without notice, the terms of a security include those stated on the security and those made part of the security by reference to another instrument, indenture or document or to a constitution, statute, ordinance, rule, regulation, order or the like to the extent that the terms so referred to do not conflict with the stated terms. Such a reference does not of itself charge a purchaser for value with notice of a defect going to the validity of the security even though the security expressly states that a person accepting it admits such notice.

(2) (a) A security other than one issued by a government or governmental agency or unit even though issued with a

defect going to its validity is valid in the hands of a purchaser for value and without notice of the particular defect unless the defect involves a violation of constitutional provisions in which case the security is valid in the hands of a subsequent purchaser for value and without notice of the defect;

(b) The rule of paragraph (a) applies to an issuer which is a government or governmental agency or unit only if either there has been substantial compliance with the legal requirements governing the issue or the issuer has received a substantial consideration for the issue as a whole or for the particular security and a stated purpose of the issue is one for which the issuer has power to borrow money or issue the security.

(3) Except as otherwise provided in the case of certain unauthorized signatures on issue (Section 8205), lack of genuineness of a security is a complete defense even against a purchaser for value and without notice.

(4) All other defenses of the issuer including nondelivery and conditional delivery of the security are ineffective against a purchaser for value who has taken without notice of the particular defense.

(5) Nothing in this section shall be construed to affect the right of a party to a "when, as and if issued" or a "when distributed" contract to cancel the contract in accordance with its terms.

8203. (1) After an act or event which creates a right to immediate performance of the principal obligation evidenced by the security or which sets a date on or after which the security is to be presented or surrendered for redemption or exchange, a purchaser is charged with notice of any defect in its issue or defense of the issuer

(a) If the act or event is one requiring the payment of money or the delivery of securities or both on presentation or surrender of the security and such funds or securities are available on the date set for payment or exchange and he takes the security more than one year after that date; and

(b) If the act or event is not covered by paragraph (a) and he takes the security more than two years after the date set for surrender or presentation or the date on which such performance became due.

(2) A call which has been revoked is not within subdivision (1).

8204. Unless noted conspicuously on the security a restriction on transfer imposed by the issuer even though otherwise lawful is ineffective except against a person with actual knowledge of it.

8205. An unauthorized signature placed on a security prior to or in the course of issue is ineffective except that the signature is effective in favor of a purchaser for value and without notice of the lack of authority if the signing has been done by

(a) An authenticating trustee, registrar, transfer agent or other person entrusted by the issuer with the signing of the security or of similar securities or their immediate preparation for signing; or

(b) An employee of the issuer or of any of the foregoing entrusted with responsible handling of the security.

8206. (1) Where a security contains the signatures necessary to its issue or transfer but is incomplete in any other respect

(a) Any person may complete it by filling in the blanks as authorized; and

(b) Even though the blanks are incorrectly filled in, the security as completed is enforceable by a purchaser who took it for value and without notice of such incorrectness.

(2) A complete security which has been improperly altered even though fraudulently remains enforceable but only according to its original terms.

8207. (1) Prior to due presentment for registration of transfer of a security in registered form the issuer or indenture trustee may treat the registered owner as the person exclusively entitled to vote, to receive notifications and otherwise to exercise all the rights and powers of an owner.

(2) Nothing in this division shall be construed to affect the liability of the registered owner of a security for calls, assessments or the like.

8208. (1) A person placing his signature upon a security as authenticating trustee, registrar, transfer agent or the like warrants to a purchaser for value without notice of the particular defect that

(a) The security is genuine; and

(b) His own participation in the issue of the security is within his capacity and within the scope of the authorization received by him from the issuer; and

(c) He has reasonable grounds to believe that the security is in the form and within the amount the issuer is authorized to issue.

(2) Unless otherwise agreed, a person by so placing his signature does not assume responsibility for the validity of the security in other respects.

CHAPTER 3. PURCHASE

8301. (1) Upon delivery of a security the purchaser acquires the rights in the security which his transferor had or had actual authority to convey except that a purchaser who has himself been a party to any fraud or illegality affecting the security or who as a prior holder had notice of an adverse claim cannot improve his position by taking from a later bona fide purchaser. "Adverse claim" indicates a claim that a transfer was or would be wrongful or that a particular adverse person is the owner of or has an interest in the

security and in the case of a purchase of a limited interest includes only a claim adverse to the interest purchased.

(2) A bona fide purchaser in addition to acquiring the rights of a purchaser also acquires the security free of any adverse claim.

(3) A purchaser of a limited interest acquires rights only to the extent of the interest purchased.

8302. A "bona fide purchaser" is a purchaser for value in good faith and without notice of any adverse claim who takes delivery of a security in bearer form or of one in registered form issued to him or indorsed to him or in blank or who takes delivery in the manner specified in Section 8320.

8303. "Broker" means a person engaged for all or part of his time in the business of buying and selling securities, who in the transaction concerned acts for, or buys a security from or sells a security to a customer. Nothing in this chapter determines the capacity in which a person acts for purposes of any other statute or rule to which such person is subject.

8304. (1) A purchaser (including a broker for the seller or buyer but excluding an intermediary bank) of a security is charged with notice of adverse claims if

(a) The security whether in bearer or registered form has been indorsed "for collection" or "for surrender" or for some other purpose not involving transfer; or

(b) The security is in bearer form and has on it an unambiguous statement that is the property of a person other than the transferor. The mere writing of a name on a security is not such a statement.

(2) The fact that the purchaser (including a broker for the seller or buyer) has notice that the security is held for a third person or is registered in the name of or indorsed by a fiduciary does not create a duty of inquiry into the rightfulness of the transfer or constitute notice of adverse claims. If, however, the purchaser (excluding an intermediary bank) has knowledge that the proceeds are being used or that the transaction is wrongfully for the individual benefit of the fiduciary or otherwise in breach of duty, the purchaser is charged with notice of adverse claims.

8305. An act or event which creates a right to immediate performance of the principal obligation evidenced by the security or which sets a date on or after which the security is to be presented or surrendered for redemption or exchange does not of itself constitute any notice of adverse claims except in the case of a purchase

(a) After one year from any date set for such presentment or surrender for redemption or exchange; or

(b) After six months from any date set for payment of money against presentation or surrender of the security if funds are available for payment on that date.

8306. (1) A person who presents a security for registration of transfer or for payment or exchange warrants to the issuer that he is entitled to the registration, payment or ex-

change. But a purchaser for value without notice of adverse claims who receives a new, reissued or reregistered security on registration of transfer warrants only that he has no knowledge of any unauthorized signature (Section 8311) in a necessary indorsement.

(2) A person by transferring a security to a purchaser for value warrants only that

(a) His transfer is effective and rightful; and

(b) The security is genuine and has not been materially altered; and

(c) He knows no fact which might impair the validity of the security.

(3) Where a security is delivered by an intermediary known to be entrusted with delivery of the security on behalf of another or with collection of a draft or other claim against such delivery, the intermediary by such delivery warrants only his own good faith and authority even though he has purchased or made advances against the claim to be collected against the delivery.

(4) A pledgee or other holder for security who redelivers the security received, or after payment and on order of the debtor delivers that security to a third person makes only the warranties of an intermediary under subdivision (3).

(5) A broker gives to his customer and to the issuer and a purchaser the warranties provided in this section and has the rights and privileges of a purchaser under this section. The warranties of and in favor of the broker acting as an agent are in addition to applicable warranties given by and in favor of his customer.

8307. Where a security in registered form has been delivered to a purchaser without a necessary indorsement he may become a bona fide purchaser only as of the time the indorsement is supplied, but against the transferor the transfer is complete upon delivery and the purchaser has a specifically enforceable right to have any necessary indorsement supplied.

8308. (1) An indorsement of a security in registered form is made when an appropriate person signs on it or on a separate document an assignment or transfer of the security or a power to assign or transfer it or when the signature of such person is written without more upon the back of the security.

(2) An indorsement may be in blank or special. An indorsement in blank includes an indorsement to bearer. A special indorsement specifies the person to whom the security is to be transferred, or who has power to transfer it. A holder may convert a blank indorsement into a special indorsement.

(3) "An appropriate person" in subdivision (1) means

(a) The person specified by the security or by special indorsement to be entitled to the security; or

(b) Where the person so specified is described as a fiduciary but is no longer serving in the described capacity—either that person or his successor; or

(d) Where the person so specified is an individual and is without capacity to act by virtue of death, incompetence, infancy or otherwise—his executor, administrator, guardian or like fiduciary; or

(e) Where the security or indorsement so specifies more than one person as tenants by the entirety or with right of survivorship and by reason of death all cannot sign—the survivor or survivors; or

(f) A person having power to sign under applicable law or controlling instrument; or

(g) To the extent that any of the foregoing persons may act through an agent—his authorized agent.

(4) Unless otherwise agreed the indorser by his indorsement assumes no obligation that the security will be honored by the issuer.

(5) An indorsement purporting to be only of part of a security representing units intended by the issuer to be separately transferable is effective to the extent of the indorsement.

(6) Whether the person signing is appropriate is determined as of the date of signing and an indorsement by such a person does not become unauthorized for the purposes of this division by virtue of any subsequent change of circumstances.

(7) Failure of a fiduciary to comply with a controlling instrument or with the law of the state having jurisdiction of the fiduciary relationship, including any law requiring the fiduciary to obtain court approval of the transfer, does not render his indorsement unauthorized for the purposes of this division.

8309. An indorsement of a security whether special or in blank does not constitute a transfer until delivery of the security on which it appears or if the indorsement is on a separate document until delivery of both the document and the security.

8310. An indorsement of a security in bearer form may give notice of adverse claims (Section 8304) but does not otherwise affect any right to registration the holder may possess.

8311. Unless the owner has ratified an unauthorized indorsement or is otherwise precluded from asserting its ineffectiveness

(a) He may assert its ineffectiveness against the issuer or any purchaser other than a purchaser for value and without notice of adverse claims who has in good faith received a new, reissued or reregistered security on registration of transfer; and

(b) An issuer who registers the transfer of a security upon the unauthorized indorsement is subject to liability for improper registration (Section 8404).

8312. (1) Any person guaranteeing a signature of an indorser of a security warrants that at the time of signing

(a) The signature was genuine; and

(b) The signer was an appropriate person to indorse (Section 8308); and

(c) The signer had legal capacity to sign.

But the guarantor does not otherwise warrant the rightfulness of the particular transfer.

(2) Any person may guarantee an indorsement of a security and by so doing warrants not only the signature (subdivision 1) but also the rightfulness of the particular transfer in all respects. But no issuer may require a guarantee of indorsement as a condition to registration of transfer.

(3) The foregoing warranties are made to any person taking or dealing with the security in reliance on the guarantee and the guarantor is liable to such person for any loss resulting from breach of the warranties.

8313. (1) Delivery to a purchaser occurs when

(a) He or a person designated by him acquires possession of a security; or

(b) His broker acquires possession of a security specially indorsed to or issued in the name of the purchaser; or

(c) His broker sends him confirmation of the purchase and also by book entry or otherwise identifies a specific security in the broker's possession as belonging to the purchaser; or

(d) With respect to an identified security to be delivered while still in the possession of a third person when that person acknowledges that he holds for the purchaser; or

(e) Appropriate entries on the books of a clearing corporation are made under Section 8320.

(2) The purchaser is the owner of a security held for him by his broker, but is not the holder except as specified in paragraphs (b), (c) and (e) of subdivision (1) of this section. Where a security is part of a fungible bulk, the purchaser is the owner of a proportionate property interest in the fungible bulk and is a bona fide purchaser if when the broker takes delivery as a holder neither he nor the purchaser has notice of any adverse claim and the purchaser takes his interest for value.

(3) Notice of an adverse claim to the broker or to the purchaser after the broker takes delivery as a holder without notice of any adverse claim is not notice of the adverse claim to either the broker or the purchaser.

8314. (1) Unless otherwise agreed where a sale of a security is made on an exchange or otherwise through brokers

(a) The selling customer fulfills his duty to deliver when he places such a security in the possession of the selling broker or of a person designated by the broker or if requested causes an acknowledgment to be made to the selling broker that it is held for him; and

(b) The selling broker including a correspondent broker acting for a selling customer fulfills his duty to deliver by placing the security or a like security in the possession of the buying broker or a person designated by him or by effecting clearance of the sale in accordance with the rules of the exchange on which the transaction took place.

(2) Except as otherwise provided in this section and unless otherwise agreed, a transferor's duty to deliver a security under a contract of purchase is not fulfilled until he places the security in form to be negotiated by the purchaser in the possession of the purchaser or of a person designated by him or at the purchaser's request causes an acknowledgment to be made to the purchaser that it is held for him. Unless made on an exchange a sale to a broker purchasing for his own account is within this subdivision and not within subdivision (1).

8315. (1) Any person against whom the transfer of a security is wrongful for any reason, including lack of delivery or his incapacity, may against any purchaser except a bona fide purchaser reclaim possession of the security or obtain possession of any new security evidencing all or part of the same rights or have damages.

(2) If the transfer is wrongful because of an unauthorized indorsement, the owner may also reclaim or obtain possession of the security or new security even from a bona fide purchaser if the ineffectiveness of the purported indorsement can be asserted against him under the provisions of this division on unauthorized indorsements (Section 8311).

(3) The right to obtain or reclaim possession of a security may be specifically enforced and its transfer enjoined and the security impounded pending the litigation.

8316. Unless otherwise agreed the transferor must on due demand supply his purchaser with any proof of his authority to transfer or with any other requisite which may be necessary to obtain registration of the transfer of the security but if the transfer is not for value a transferor need not do so unless the purchaser furnishes the necessary expenses. Failure to comply with a demand made within a reasonable time gives the purchaser the right to reject or rescind the transfer.

8317. (1) No attachment or levy upon a security or any share or other interest evidenced thereby which is outstanding shall be valid until: (a) the security is actually seized by the officer making the attachment or levy, or (b) in the case of a security held in escrow pursuant to the provisions of the Corporate Securities Law, a copy of the writ and a notice that the securities are attached or levied upon in pursuance of such writ is served upon the escrow holder; but a security which has been surrendered to the issuer may be attached or levied upon at the source.

(2) A creditor whose debtor is the owner of a security shall be entitled to such aid from courts of appropriate jurisdiction, by injunction or otherwise, in reaching such security or in satisfying the claim by means thereof as is allowed at law or in equity in regard to property which cannot readily be attached or levied upon by ordinary legal process.

8318. An agent or bailee who in good faith (including observance of reasonable commercial standards if he is in the business of buying, selling or otherwise dealing with securities) has received securities and sold, pledged or delivered

them according to the instructions of his principal is not liable for conversion or for participation in breach of fiduciary duty although the principal had no right to dispose of them.

8319. (1) A contract for the sale of securities is not enforceable by way of action or defense unless

(a) There is some writing signed by the party against whom enforcement is sought or by his authorized agent or broker sufficient to indicate that a contract has been made for sale of a stated quantity of described securities at a defined or stated price; or

(b) Delivery of the security has been accepted or payment has been made but the contract is enforceable under this provision only to the extent of such delivery or payment; or

(c) Within a reasonable time a writing in confirmation of the sale or purchase and sufficient against the sender under paragraph (a) has been received by the party against whom enforcement is sought and he has failed to send written objection to its contents within 10 days after its receipt.

(2) A contract relating to the purchase or sale of securities between a broker acting as an agent and his principal is not subject to the provisions of this section.

8320. (1) If a security

(a) Is in the custody of a clearing corporation or of a custodian bank or a nominee of either subject to the instructions of the clearing corporation; and

(b) Is in bearer form or indorsed in blank by an appropriate person or registered in the name of the clearing corporation or custodian bank or a nominee of either; and

(c) Is shown on the account of a transferor or pledgor on the books of the clearing corporation;

then, in addition to other methods, a transfer or pledge of the security or any interest therein may be effected by the making of appropriate entries on the books of the clearing corporation reducing the account of the transferor or pledgor and increasing the account of the transferee or pledgee by the amount of the obligation or the number of shares or rights transferred or pledged.

(2) Under this section entries may be with respect to like securities or interests therein as a part of a fungible bulk and may refer merely to a quantity of a particular security without reference to the name of the registered owner, certificate or bond number or the like and, in appropriate cases, may be on a net basis taking into account other transfers or pledges of the same security.

(3) A transfer or pledge under this section has the effect of a delivery of a security in bearer form or duly indorsed in blank (Section 8301) representing the amount of the obligation or the number of shares or rights transferred or pledged and if a pledge or the creation of a security interest is intended, the making of entries has the effect of a taking of delivery by the pledgee or a secured party (Sections 9304 and

9305). A transferee or pledgee under this section is a holder.

(4) A transfer or pledge under this section does not constitute a registration of transfer under Chapter 4 of this division.

(5) That entries made on the books of the clearing corporation as provided in subdivision (1) are not appropriate does not affect the validity or effect of the entries nor does it affect the liabilities or obligations of the clearing corporation to any person adversely affected thereby.

Chapter 4. Registration

8401. (1) Where a security in registered form is presented to the issuer with a request to register transfer, the issuer is under a duty to register the transfer as requested if

(a) The security is indorsed by the appropriate person or persons (Section 8308); and

(b) Reasonable assurance is given that those indorsements are genuine and effective (Section 8402); and

(c) The issuer has no duty to inquire into adverse claims or has discharged any such duty (Section 8403); and

(d) Any applicable law relating to the collection of taxes has been complied with; and

(2) Where an issuer is under a duty to register a transfer of a security the issuer is liable to the person presenting it for registration or his principal for loss resulting from any unreasonable delay in registration or from failure or refusal to register the transfer, but in any such case the plaintiff must allege and prove that the transfer requested was in fact rightful or that he was a bona fide purchaser.

8402. (1) The issuer may require the following assurance that each necessary indorsement (Section 8308) is genuine and effective.

(a) In all cases, a guarantee of the signature (subdivision (1) of Section 8312) of the person indorsing; and

(b) Where the indorsement is by an agent, appropriate assurance of authority to sign;

(c) Where the indorsement is by a fiduciary, appropriate evidence of appointment or incumbency;

(d) Where there is more than one fiduciary, reasonable assurance that all who are required to sign have done so;

(e) Where the indorsement is by a person not covered by any of the foregoing, assurance appropriate to the case corresponding as nearly as may be to the foregoing.

(2) A "guarantee of the signature" in subdivision (1) means a guarantee signed by or on behalf of a person reasonably believed by the issuer to be responsible. The issuer may adopt standards with respect to responsibility provided such standards are not manifestly unreasonable.

(3) "Appropriate evidence of appointment or incumbency" in subdivision (1) means

(a) In the case of a fiduciary appointed or qualified by a court, a certificate issued by or under the direction or supervision of that court or an officer thereof and dated within 60 days before the date of presentation for transfer; or

(b) In any other case, a copy of a document showing the appointment or a certificate issued by or on behalf of a person reasonably believed by the issuer to be responsible or, in the absence of such a document or certificate, other evidence reasonably deemed by the issuer to be appropriate. The issuer may adopt standards with respect to such evidence provided such standards are not manifestly unreasonable. The issuer is not charged with notice of the contents of any document obtained pursuant to this paragraph (b) except to the extent that the contents relate directly to the appointment or incumbency.

8403. (1) An issuer to whom a security is presented for registration is under a duty to inquire into adverse claims if

(a) A written notification of an adverse claim is received at a time and in a manner which affords the issuer a reasonable opportunity to act on it prior to the issuance of a new, reissued or reregistered security and the notification identifies the claimant, the registered owner and the issue of which the security is a part and provides an address for communications directed to the claimant.

(2) The issuer may discharge any duty of inquiry by any reasonable means, including notifying an adverse claimant by registered or certified mail at the address furnished by him or if there be no such address at his residence or regular place of business that the security has been presented for registration of transfer by a named person, and that the transfer will be registered unless within 30 days from the date of mailing the notification, either

(a) An appropriate restraining order, injunction or other process issues from a court of competent jurisdiction; or

(b) An indemnity bond sufficient in the issuer's judgment to protect the issuer and any transfer agent, registrar or other agent of the issuer involved, from any loss which it or they may suffer by complying with the adverse claim is filed with the issuer.

(3) Unless an issuer receives notification of an adverse claim under subdivision (1) of this section, where a security presented for registration is indorsed by the appropriate person or persons the issuer is under no duty to inquire into adverse claims.

(4) An issuer registering a security in the name of a person who is a fiduciary or who is described as a fiduciary is not bound to inquire into the existence, extent, or correct description of the fiduciary relationship and thereafter the issuer may assume without inquiry that the newly registered owner continues to be the fiduciary until the issuer receives written notice that the fiduciary is no longer acting as such with respect to the particular security.

(5) An issuer registering transfer on an indorsement by a fiduciary is not bound to inquire whether the transfer is made in compliance with a controlling instrument or with the law of the state having jurisdiction of the fiduciary relationship, including any law requiring the fiduciary to obtain court approval of the transfer, even though the transfer is made on the indorsement of a fiduciary to the fiduciary himself or his nominee.

(6) The issuer is not charged with notice of the contents of any court record or file or other recorded or unrecorded document even though the document is in its possession and even though the transfer is made on the indorsement of a fiduciary to the fiduciary himself or to his nominee.

(7)(a) No person who participates in the acquisition, disposition, assignment or transfer of a security by or to a fiduciary including a person who guarantees the signature of the fiduciary is liable for participation in any breach of fiduciary duty by reason of failure to inquire whether the transaction involves such a breach unless it is shown that he acted with knowledge that the proceeds were being used or that the transaction was wrongfully for the individual benefit of the fiduciary or otherwise in breach of duty.

(b) If a corporation or transfer agent makes a transfer pursuant to an assignment by a fiduciary, a person who guaranteed the signature of the fiduciary is not liable on the guarantee to any person to whom the corporation or transfer agent by reason of subdivision (1) of Section 8404 incurs no liability.

(c) This subdivision (7) does not impose any liability upon the corporation or its transfer agent.

8404. (1) Except as otherwise provided in any law relating to the collection of taxes, the issuer is not liable to the owner or any other person suffering loss as a result of the registration of a transfer of a security if

(a) There were on or with the security the necessary indorsements (Section 8308); and

(b) The issuer had no duty to inquire into adverse claims or has discharged any such duty (Section 8403).

(2) Where an issuer has registered a transfer of a security to a person not entitled to it the issuer on demand must deliver a like security to the true owner unless

(a) The registration was pursuant to subdivision (1); or

(b) The owner is precluded from asserting any claim for registering the transfer under subdivision (1) of the following section; or

(c) Such delivery would result in overissue, in which case the issuer's liability is governed by Section 8104.

8405. (1) Where a security has been lost, apparently destroyed or wrongfully taken and the owner fails to notify the issuer of that fact within a reasonable time after he has notice of it and the issuer registers a transfer of the security before receiving such a notification, the owner is precluded from asserting against the issuer any claim for registering the trans-

fer under the preceding section or any claim to a new security under this section.

(2) Where the owner of a security claims that the security has been lost, destroyed or wrongfully taken, the issuer must issue a new security in place of the original security if the owner

(a) So requests before the issuer has notice that the security has been acquired by a bona fide purchaser; and

(b) Files with the issuer a sufficient indemnity bond; and

(c) Satisfies any other reasonable requirements imposed by the issuer.

(3) If, after the issue of the new security, a bona fide purchaser of the original security presents it for registration of transfer, the issuer must register the transfer unless registration would result in overissue, in which event the issuer's liability is governed by Section 8104. In addition to any rights on the indemnity bond, the issuer may recover the new security from the person to whom it was issued or any person taking under him except a bona fide purchaser.

8406. (1) Where a person acts as authenticating trustee, transfer agent, registrar, or other agent for an issuer in the registration of transfers of its securities or in the issue of new securities or in the cancellation of surrendered securities

(a) He is under a duty to the issuer to exercise good faith and due diligence in performing his functions; and

(b) He has with regard to the particular functions he performs the same obligation to the holder or owner of the security and has the same rights and privileges as the issuer has in regard to those functions.

(2) Notice to an authenticating trustee, transfer agent, registrar or other such agent is notice to the issuer with respect to the functions performed by the agent.

DIVISION 9. SECURED TRANSACTIONS; SALES OF ACCOUNTS, CONTRACT RIGHTS AND CHATTEL PAPER

CHAPTER 1. SHORT TITLE, APPLICABILITY AND DEFINITIONS

9101. This division shall be known and may be cited as Uniform Commercial Code—Secured Transactions.

9102. (1) Except as otherwise provided in Section 9103 on multiple state transactions and in Section 9104 on excluded transactions, this division applies so far as concerns any personal property and fixtures within the jurisdiction of this State

(a) To any transaction (regardless of its form) which is intended to create a security interest in personal property including goods, documents, instruments, general intangibles, chattel paper, accounts or contract rights; and also

(b) To any sale of accounts, contract rights or chattel paper; and also

(c) To any transaction (regardless of its form) which is intended to create a security interest in goods which are or later become "fixtures" under the law of this State, but as against third parties having or acquiring an interest in or a lien on the real property, the rights and duties of the parties to the secured transaction are governed by the law of this State relating to real property and fixtures.

(2) This division applies to security interests created by contract including pledge, assignment, chattel mortgage, chattel trust, trust deed, inventory lien, equipment trust, conditional sale, trust receipt, other lien or title retention contract and lease or consignment intended as security. This division does not apply to statutory liens except as provided in Section 9310.

(3) The application of this division to a security interest in a secured obligation is not affected by the fact that the obligation is itself secured by a transaction or interest to which this division does not apply.

(4) Notwithstanding anything to the contrary in this division, no nonpossessory security interest, other than a purchase money security interest, may be given or taken in or to the inventory of a retail merchant held for sale, except in or to inventory consisting of durable goods having a unit retail value of at least five hundred dollars ($500) or motor vehicles, house trailers, semitrailers, farm and construction machinery and repair parts thereof, or aircraft.

9103. (1) If the office where the assignor of accounts or contract rights keeps his records concerning them is in this State, the validity and perfection of a security interest therein and the possibility and effect of proper filing is governed by this division; otherwise by the law (including the conflict of laws rules) of the jurisdiction where such office is located.

(2) If the chief place of business of a debtor is in this State, this division governs the validity and perfection of a security interest and the possibility and effect of proper filing with regard to general intangibles or with regard to goods of a type which are normally used in more than one jurisdiction (such as automotive equipment, rolling stock, airplanes, roadbuilding equipment, commercial harvesting equipment, construction machinery and the like) if such goods are classified as equipment or classified as inventory by reason of their being leased or held for lease by the debtor to others. Otherwise, the law (including the conflict of laws rules) of the jurisdiction where such chief place of business is located shall govern. If the chief place of business is located in a jurisdiction which does not provide for perfection of the security interest by filing or recording in that jurisdiction, then the security interest may be perfected by filing in this State. For the purpose of determining the validity and perfection of a security interest in an airplane, the chief place of business of a debtor who is a foreign air carrier under the Federal Aviation Act of 1958,

as amended, is the designated office of the agent upon whom service of process may be made on behalf of the debtor.

(3) If personal property other than that governed by subdivisions (1) and (2) is already subject to a security interest when it is brought into this State, the validity of the security interest in this State is to be determined by the law (including the conflict of laws rules) of the jurisdiction where the property was when the security interest attached. However, if the parties to the transaction understood at the time that the security interest attached that the property would be kept in this State and it was brought into this State within 30 days after the security interest attached for purposes other than transportation through this State, then the validity of the security interest in this State is to be determined by the law of this State. If the security interest was already perfected under the law of the jurisdiction where the property was when the security interest attached and before being brought into this State, the security interest continues perfected in this State for four months and also thereafter if within the four-month period it is perfected in this State. The security interest may also be perfected in this State after the expiration of the four-month period; in such case perfection dates from the time of perfection in this State. If the security interest was not perfected under the law of the jurisdiction where the property was when the security interest attached and before being brought into this State, it may be perfected in this State; in such case perfection dates from the time of perfection in this State.

(4) Notwithstanding subdivisions (2) and (3), if personal property is covered by a certificate of title or ownership issued under a statute of this State or any other jurisdiction which requires indication on a certificate of title or ownership of any security interest in the property as a condition of perfection, then the perfection is governed by the law of the jurisdiction which issued the certificate.

(5) Notwithstanding subdivision (1) and Section 9302, if the office where the assignor of accounts or contract rights keeps his records concerning them is not located in a jurisdiction which is a part of the United States, its territories or possessions, and the accounts or contract rights are within the jurisdiction of this State or the transaction which creates the security interest otherwise bears an appropriate relation to this State, this division governs the validity and perfection of the security interest and the security interest may only be perfected by notification to the account debtor.

9104. This division does not apply

(a) To a security interest subject to any statute of the United States such as the Ship Mortgage Act, 1920, to the extent that such statute governs the rights of parties to and third parties affected by transactions in particular types of property; or

(c) To a lien given by statute or other rule of law for services or materials except as provided in Section 9310 on priority of such liens; or

(d) To a transfer of a claim for wages, salary or other compensation of an employee; or

(e) To an equipment trust covering railway rolling stock; or

(f) To a sale of accounts, contract rights or chattel paper as part of a sale of the business out of which they arose, or an assignment of accounts, contract rights or chattel paper which is for the purpose of collection only, or a transfer of a contract right to an assignee who is also to do the performance under the contract; or

(g) To any loan made by an insurance company pursuant to the provisions of a policy or contract issued by it and upon the sole security of such policy or contract; or

(h) To a right represented by a judgment; or

(i) To any right of setoff; or to a security interest of a bank, savings and loan association, credit union or like organization in any deposit, savings, passbook or like account maintained with such organization; or

(j) To the creation or transfer of an interest in or lien on real estate, including a lease or rents thereunder; or

(k) To a transfer in whole or in part of any claim arising out of tort.

9105. (1) In this division unless the context otherwise requires:

(a) "Account debtor" means the person who is obligated on an account, chattel paper, contract right or general intangible;

(b) "Chattel paper" means a writing or writings which evidence both a monetary obligation and a security interest in or a lease of specific goods. When a transaction is evidenced both by such a security agreement or a lease and by an instrument or a series of instruments, the group of writings taken together constitutes chattel paper;

(c) "Collateral" means the property subject to a security interest, and includes accounts, contract rights and chattel paper which have been sold;

(d) "Debtor" means the person who owes payment or other performance of the obligation secured, whether or not he owns or has rights in the collateral, and includes the seller of accounts, contract rights or chattel paper. Where the debtor and the owner of the collateral are not the same person, the term "debtor" means the owner of the collateral in any provision of the division dealing with the collateral, the obligor in any provision dealing with the obligation, and may include both where the context so requires;

(e) "Document" means document of title as defined in the general definitions of Division 1 (Section 1201);

(f) "Goods" includes all things which are movable at the time the security interest attaches or which are fixtures (other than goods incorporated into a structure in the manner of lumber, bricks, tile, cement, glass, metalwork and the like unless the structure remains personal property under applicable

law), but does not include money, documents, instruments, accounts, chattel paper, general intangibles, contract rights and other things in action. "Goods" also include the unborn young of animals, growing crops, and standing timber which is to be cut and removed under a conveyance or contract for sale;

(g) "Instrument" means a negotiable instrument (defined in Section 3104), or a security (defined in Section 8102) or any other writing which evidences a right to the payment of money and is not itself a security agreement or lease and is of a type which is in ordinary course of business transferred by delivery with any necessary indorsement or assignment;

(h) "Security agreement" means an agreement which creates or provides for a security interest;

(i) "Secured party" means a lender, seller or other person in whose favor there is a security interest, including a person to whom accounts, contract rights or chattel paper have been sold. When the holders of obligations issued under an indenture of trust, equipment trust agreement or the like are represented by a trustee or other person, the representative is the secured party.

(j) "New value" includes new advances or loans made, or new obligations incurred, or the release of a valid and existing security interest, or the release of a claim to proceeds; but "new value" shall not be construed to include extension or renewals of existing obligations of the debtor, nor obligations substituted for such existing obligations.

(2) Other definitions applying to this division and the sections in which they appear are:

"Account." Section 9106.

"Consumer goods." Section 9109(1).

"Contract right." Section 9106.

"Equipment." Section 9109(2).

"Farm products." Section 9109(3).

"General intangibles." Section 9106.

"Inventory." Section 9109(4).

"Lien creditor." Section 9301(3).

"Proceeds." Section 9306(1).

"Purchase money security interest." Section 9107.

(3) The following definitions in other divisions apply to this division:

"Check." Section 3104.

"Contract for sale." Section 2106.

"Holder in due course." Section 3302.

"Note." Section 3104.

"Sale." Section 2106.

(4) In addition Division 1 contains general definitions and principles of construction and interpretation applicable throughout this division.

9106. "Account" means any right to payment for goods sold or leased or for services rendered which is not evidenced by an instrument or chattel paper. "Contract right" means

any right to payment under a contract not yet earned by performance and not evidenced by an instrument or chattel paper. "General intangibles" means any personal property (including things in action) other than goods, accounts, contract rights, chattel paper, documents, and instruments. Any interest or claim in or under any policy of insurance is a general intangible.

9107. A security interest is a "purchase money security interest" to the extent that it is

(a) Taken or retained by the seller of the collateral to secure all or part of its price; or

(b) Taken by a person who by making advances or incurring an obligation gives value to enable the debtor to acquire rights in or the use of collateral if such value is in fact so used.

9108. Where a secured party makes an advance, incurs an obligation, releases a perfected security interest, or otherwise gives new value which is to be secured in whole or in part by afteracquired property his security interest in the afteracquired collateral shall be deemed to be taken for new value and not as security for an antecedent debt if the debtor acquires his rights in such collateral either in the ordinary course of his business or under a contract of purchase made pursuant to the security agreement within a reasonable time after new value is given.

9109. Goods are (1) "consumer goods" if they are used or bought for use primarily for personal, family or household purposes;

(2) "Equipment" if they are used or bought for use primarily in business (including farming or a profession) or by a debtor who is a nonprofit organization or a governmental subdivision or agency or if the goods are not included in the definitions of inventory, farm products or consumer goods;

(3) "Farm products" if they are crops or livestock or supplies used or produced in farming operations or if they are products of crops or livestock in their unmanufactured states (such as ginned cotton, wool clip, maple sirup, honey, milk and eggs), and if they are in the possession of a debtor engaged in raising, fattening, grazing or other farming operations. If goods are farm products they are neither equipment nor inventory;

(4) "Inventory" if they are held by a person who holds them for sale or lease or to be furnished under contracts of service or if he has leased or so furnished them, or if they are raw materials, work in process or materials used or consumed in a business. Inventory of a person is not to be classified as his equipment.

9110. For the purposes of this division any description of personal property or real estate is sufficient whether or not it is specific if it reasonably identifies what is described. Personal property may be referred to by general kind or class if the property can be reasonably identified as falling within

such kind or class or if it can be so identified when it is acquired by the debtor. The use of the word "proceeds" is sufficient without further description to cover proceeds of any character

9111. The creation of a security interest under this division may be a bulk transfer under Division 6, except as specified in subdivision (1) of Section 6103.

9112. Unless otherwise agreed, when a secured party knows that collateral is owned by a person who is not the debtor, the owner of the collateral is entitled to receive from the secured party any surplus under Section 9502(2) or under Section 9504(2), and is not liable for the debt or for any deficiency after resale, and he has the same right as the debtor

(a) To receive statements under Section 9208;

(b) To receive notice of and to object to a secured party's proposal to retain the collateral in satisfaction of the indebtedness under Section 9505;

(c) To redeem the collateral under Section 9506;

(d) To obtain injunctive or other relief under Section 9507(1); and

(e) To recover losses caused to him under Section 9208(2).

9113. A security interest arising solely under the division on sales (Division 2) is subject to the provisions of this division except that to the extent that and so long as the debtor does not have or does not lawfully obtain possession of the goods

(a) No security agreement is necessary to make the security interest enforceable; and

(b) No filing is required to perfect the security interest; and

(c) The rights of the secured party on default by the debtor are governed by the division on sales (Division 2).

CHAPTER 2. VALIDITY OF SECURITY AGREEMENT AND RIGHTS OF PARTIES THERETO

9201. Except as otherwise provided by this code a security agreement is effective according to its terms between the parties, against purchasers of the collateral and against creditors. Nothing in this division validates any charge or practice illegal under any statute or regulation thereunder governing usury, small loans, retail installment sales, or the like or extends the application of any such statute or regulation to any transaction not otherwise subject thereto.

9202. Each provision of this division with regard to rights, obligations and remedies applies whether title to collateral is in the secured party or in the debtor.

9203. (1) Subject to the provisions of Section 4208 on the security interest of a collecting bank and Section 9113 on a security interest arising under the division on sales, a security interest is not enforceable against the debtor or third parties unless

(a) The collateral is in the possession of the secured party; or

(b) The debtor has signed a security agreement which contains a description of the collateral and in addition, when the security interest covers crops or oil, gas or minerals to be extracted or timber to be cut, a description of the land concerned.

(2) A transaction, although subject to this division, is also subject to the Retail Installment Sales Act, Title 2 (commencing at Section 1801) of Part 4, Division 3 of the Civil Code; the Automobile Sales Finance Act, Chapter 2b (commencing at Section 2981) of Title 14, Part 4, Division 3 of the Civil Code; the Industrial Loan Law, Division 7 (commencing at Section 18000) of the Financial Code; the Pawnbroker Law, Division 8 (commencing at Section 21000) of the Financial Code; the Personal Property Brokers Law, Division 9 (commencing at Section 22000) of the Financial Code; and the California Small Loan Law, Division 10 (commencing at Section 24000) of the Financial Code, and in the case of conflict between the provisions of this division and any such statute, the provisions of such statute control. Failure to comply with any applicable statute has only the effect which is specified therein.

9204. (1) A security interest cannot attach until there is agreement (subdivision (3) of Section 1201) that it attach and value is given and the debtor has rights in the collateral. It attaches as soon as all of the events in the preceding sentence have taken place unless explicit agreement postpones the time of attaching.

(2) For the purposes of this section the debtor has no rights

(a) In crops until they are planted or otherwise become growing crops, in the young of livestock until they are conceived;

(b) In fish until caught, in oil, gas or minerals until they are extracted;

(c) In a contract right until the contract has been made;

(d) In an account until it comes into existence.

(3) Except as provided in subdivision (4) a security agreement may provide that collateral, whenever acquired, shall secure all obligations covered by the security agreement.

(4) No security interest attaches under an afteracquired property clause

(b) To consumer goods other than accessions (Section 9314) or replacements when given as additional security unless the debtor acquires rights in them within 10 days after the secured party gives value.

(5) Obligations covered by a security agreement may include future advances or other value whether or not the advances or value are given pursuant to commitment.

9205. A security interest is not invalid or fraudulent against creditors by reason of liberty in the debtor to use, commingle or dispose of all or part of the collateral (including returned or repossessed goods) or to collect or com-

promise accounts, contract rights or chattel paper, or to accept the return of goods or make repossessions, or to use, commingle or dispose of proceeds, or by reason of the failure of the secured party to require the debtor to account for proceeds or replace collateral. This section does not relax the requirements of possession where perfection of a security interest depends upon possession of the collateral by the secured party or by a bailee.

9206. (1) Subject to any statute which establishes a different rule for buyers or lessees of consumer goods, an agreement by a buyer or lessee that he will not assert against an assignee any claim or defense which he may have against the seller or lessor is enforceable by an assignee who takes his assignment for value, in good faith and without notice of a claim or defense, except as to defenses of a type which may be asserted against a holder in due course of a negotiable instrument under the division on commercial paper (Division 3). A buyer who as part of one transaction signs both a negotiable instrument and a security agreement makes such an agreement.

(2) When a seller retains a purchase money security interest in goods the division on sales (Division 2) governs the sale and any disclaimer, limitation or modification of the seller's warranties.

9207. (1) A secured party must use reasonable care in the custody and preservation of collateral in his possession. In the case of an instrument or chattel paper reasonable care includes taking necessary steps to preserve rights against prior parties unless otherwise agreed.

(2) Unless otherwise agreed, when collateral is in the secured party's possession

(a) Reasonable expenses (including the cost of any insurance and payment of taxes or other charges) incurred in the custody, preservation, use or operation of the collateral are chargeable to the debtor and are secured by the collateral;

(b) The risk of accidental loss or damage is on the debtor to the extent of any deficiency in any effective insurance coverage;

(c) The secured party may hold as additional security any increase or profits (except money) received from the collateral, but money so received, unless remitted to the debtor, shall be applied in reduction of the secured obligation;

(d) The secured party must keep the collateral identifiable but fungible collateral may be commingled;

(e) The secured party may repledge the collateral upon terms which do not impair the debtor's right to redeem it.

(3) A secured party is liable for any loss caused by his failure to meet any obligation imposed by the preceding subdivisions but does not lose his security interest.

(4) A secured party may use or operate the collateral for the purpose of preserving the collateral or its value or pursuant to the order of a court of appropriate jurisdiction or, except in the case of consumer goods, in the manner and to the extent provided in the security agreement.

9208. (1) A debtor may sign a statement indicating what he believes to be the aggregate amount of unpaid indebtedness as of a specified date and may send it to the secured party with a request that the statement be approved or corrected and returned to the debtor. When the security agreement or any other record kept by the secured party identifies the collateral a debtor may similarly request the secured party to approve or correct a list of the collateral.

(2) The secured party must comply with such a request within two weeks after receipt by sending a written correction or approval. If the secured party claims a security interest in all of a particular type of collateral owned by the debtor he may indicate that fact in his reply and need not approve or correct an itemized list of such collateral. If the secured party without reasonable excuse fails to comply he is liable for any loss caused to the debtor thereby; and if the debtor has properly included in his request a good faith statement of the obligation or a list of the collateral or both the secured party may claim a security interest only as shown in the statement against persons misled by his failure to comply. If he no longer has an interest in the obligation or collateral at the time the request is received he must disclose the name and address of any successor in interest known to him and he is liable for any loss caused to the debtor as a result of failure to disclose. A successor in interest is not subject to this section until a request is received by him.

(3) A debtor is entitled to such a statement once every six months without charge. The secured party may require payment of a charge not exceeding ten dollars ($10) for each additional statement furnished.

(4) If the secured party is an organization maintaining branches or branch offices the requests herein provided for shall be sent to the branch or branch office at which the security transaction was entered into or at which the debtor is to make payment of his obligation, and the secured party's statement, unless otherwise specified, shall be deemed to apply only to indebtedness entered into at or payable to such branch or branch office and to any collateral taken by such branch or branch office.

CHAPTER 3. RIGHTS OF THIRD PARTIES; PERFECTED AND UNPERFECTED SECURITY INTERESTS; RULES OF PRIORITY

9301. (1) Except as otherwise provided in subdivision (2), an unperfected security interest is subordinate to the rights of

(a) Persons entitled to priority under Section 9312;

(b) A person who becomes a lien creditor after the security interest attaches and before it is perfected unless the security interest is perfected within 10 days after it attaches and a person who becomes a lien creditor before the security interest attaches;

(c) In the case of goods, instruments, documents, and chattel paper, a person who is not a secured party and who is a transferee in bulk or other buyer not in ordinary course of business to the extent that he gives value and receives delivery of the collateral without knowledge of the security interest and before it is perfected;

(d) In the case of accounts, contract rights, and general intangibles, a person who is not a secured party and who is a transferee to the extent that he gives value without knowledge of the security interest and before it is perfected.

(2) If the secured party files with respect to a purchase money security interest before or within 10 days after the collateral comes into possession of the debtor, he takes priority over the rights of a transferee in bulk or other buyer not in the ordinary course of business which arise between the time the security interest attaches and the time of filing.

(3) A "lien creditor" means a creditor who has acquired a lien on the property involved by attachment, levy or the like.

9302. (1) A financing statement must be filed to perfect all security interests except the following:

(a) A security interest in collateral in possession of the secured party under Section 9305;

(b) A security interest temporarily perfected in instruments or documents without delivery under Section 9304 or in proceeds for a 10-day period under Section 9306;

(c) A purchase money security interest in farm equipment having a purchase price not in excess of two thousand five hundred dollars ($2,500); but compliance with subdivision (4) is required for a motor vehicle required to be registered;

(d) A purchase money security interest in consumer goods; but compliance with subdivision (4) is required for a motor vehicle or boat required to be registered;

(f) A security interest of a collecting bank (Section 4208) or arising under the division on sales (see Section 9113) or covered in subdivision (3) of this section;

(g) A security interest in general intangibles; provided, however, that as between bona fide assignees for value without notice of the same general intangible consisting of any right to payment, the assignee first giving notice thereof to the account debtor in writing shall have priority, but the assignment of such general intangible shall not be of itself notice to the account debtor so as to invalidate any payments made by him to the transferor;

(h) An assignment of any claim against the United States made pursuant to and in conformity with 31 U.S.C. Section 203 or 41 U.S.C. Section 15 (the Assignment of Claims statutes) or any statutes amendatory thereof or in substitution therefor.

(2) If a secured party assigns a perfected security interest, no filing under this division is required in order to continue the perfected status of the security interest against creditors of and transferees from the original debtor.

(3) The filing provisions of this division do not apply to a security interest

(a) In property subject to a statute of the United States which provides for a national registration or filing of all security interests in such property; or

(b) In a vehicle required to be registered under the Vehicle Code, unless such vehicle is inventory, or in a boat required to be registered under the Harbors and Navigation Code, unless such boat is inventory.

(4) A security interest in property subject to a statute of the United States which provides for national registration or filing of all security interests in such property may be perfected only by filing or registration under such statute. A security interest in a vehicle required to be registered under the Vehicle Code which is not inventory may be perfected only as provided in the Vehicle Code. A security interest in a boat required to be registered under the Harbors and Navigation Code which is not inventory may be perfected only as provided in the Harbors and Navigation Code.

9303. (1) A security interest is perfected when it has attached and when all of the applicable steps required for perfection have been taken. Such steps are specified in Sections 9302, 9304, 9305 and 9306. If such steps are taken before the security interest attaches, it is perfected at the time when it attaches.

(2) If a security interest is originally perfected in any way permitted under this division and is subsequently perfected in some other way under this division, without an intermediate period when it was unperfected, the security interest shall be deemed to be perfected continuously for the purposes of this division.

(3) A security interest in crops growing or to be grown, which is perfected by filing with the county recorder (Section 9401(1)(b)), ceases to be a perfected security interest as to crops which have been severed and removed from the premises of the grower; but if the financing statement covers proceeds, the security interest remains perfected in any proceeds resulting from a sale or other disposition of the crops.

(4) If a security interest in goods is perfected in accordance with this division, such security interest does not become unperfected by reason of a subsequent change in the use to which the goods are put. For the purpose of this division, if goods of a kind ordinarily bought for use primarily for personal, family or household purposes are sold at retail subject to a purchase money security interest, and the security agreement recites that they are sold for personal, family or household use, it shall be conclusively presumed that they are consumer goods so long as the purchase money security interest exists.

9304. (1) A security interest in chattel paper or negotiable documents may be perfected by filing. A security interest in instruments (other than instruments which constitute part of

chattel paper) can be perfected only by the secured party's taking possession, except as provided in subdivisions (4) and (5).

(2) During the period that goods are in the possession of the issuer of a negotiable document therefor, a security interest in the goods is perfected by perfecting a security interest in the document, and any security interest in the goods otherwise perfected during such period is subject thereto.

(3) A security interest in goods in the possession of a bailee other than one who has issued a negotiable document therefor is perfected by issuance of a document in the name of the secured party or by the bailee's receipt of notification of the secured party's interest or by filing as to the goods.

(4) A security interest in instruments or negotiable documents is perfected without filing or the taking of possession for a period of 21 days from the time it attaches to the extent that it arises for new value given under a written security agreement.

(5) A security interest remains perfected for a period of 21 days without filing where a secured party having a perfected security interest in an instrument, a negotiable document or goods in possession of a bailee other than one who has issued a negotiable document therefor

(a) Makes available to the debtor the goods or documents representing the goods for the purpose of ultimate sale or exchange or for the purpose of loading, unloading, storing, shipping, trans-shipping, manufacturing, processing or otherwise dealing with them in a manner preliminary to their sale or exchange; or

(b) Delivers the instrument to the debtor for the purpose of ultimate sale or exchange or of presentation, collection, renewal or registration of transfer.

(6) After the 21-day period in subdivisions (4) and (5) perfection depends upon compliance with applicable provisions of this division.

9305. A security interest in letters of credit and advices of credit (subdivision (2)(a) of Section 5116), goods, instruments, negotiable documents or chattel paper may be perfected by the secured party's taking possession of the collateral. If such collateral other than goods covered by a negotiable document is held by a bailee, the secured party is deemed to have possession from the time the bailee receives notification of the secured party's interest. A security interest is perfected by possession from the time possession is taken without relation back and continues only so long as possession is retained, unless otherwise specified in this division. The security interest may be otherwise perfected as provided in this division before or after the period of possession by the secured party.

9306. (1) "Proceeds" includes whatever is received when collateral or proceeds is sold, exchanged, collected or otherwise disposed of. The term also includes the account arising when the right to payment is earned under a contract right.

Money, checks and the like are "cash proceeds." All other proceeds are "noncash proceeds."

(2) Except where this division otherwise provides, a security interest continues in collateral notwithstanding sale, exchange or other disposition thereof by the debtor unless his action was authorized by the secured party in the security agreement or otherwise, and also continues in any identifiable proceeds including collections received by the debtor.

(3) The security interest in proceeds is a continuously perfected security interest if the interest in the original collateral was perfected but it ceases to be a perfected security interest and becomes unperfected 10 days after receipt of the proceeds by the debtor unless

(a) A filed financing statement covering the original collateral also covers proceeds; or

(b) The security interest in the proceeds is perfected before the expiration of the 10-day period.

(4) In the event of insolvency proceedings instituted by or against a debtor, a secured party with a perfected security interest in proceeds has a perfected security interest

(a) In identifiable noncash proceeds and in a separate bank account containing only proceeds;

(b) In identifiable cash proceeds in the form of money which is not commingled with other money or deposited in a bank account prior to the insolvency proceedings;

(c) In identifiable cash proceeds in the form of checks and the like which are not deposited in a bank account prior to the insolvency proceedings; and

(d) In all cash and bank accounts of the debtor in which proceeds have been commingled with other funds, but the perfected security interest under this paragraph (d) is

(i) Subject to any right of setoff; and

(ii) Limited to an amount not greater than the amount of any cash proceeds received by the debtor within 10 days before the institution of the insolvency proceedings less the sum of (I) the payments to the secured party on account of cash proceeds received by the debtor during such period and (II) the cash proceeds received by the debtor during such period to which the secured party is entitled under paragraphs (a) through (c) of this subdivision (4).

(5) If a sale of goods results in an account or chattel paper which is transferred by the seller to a secured party, and if the goods are returned to or are repossessed by the seller or the secured party, the following rules determine priorities:

(a) If the goods were collateral at the time of sale for an indebtedness of the seller which is still unpaid, the original security interest attaches again to the goods and continues as a perfected security interest if it was perfected at the time when the goods were sold. If the security interest was originally perfected by a filing which is still effective, nothing further is required to continue the perfected status; in any other case,

the secured party must take possession of the returned or repossessed goods or must file.

(b) An unpaid transferee of the chattel paper has a security interest in the goods against the transferor. Such security interest is prior to a security interest asserted under paragraph (a) to the extent that the transferee of the chattel paper was entitled to priority under Section 9308.

(c) An unpaid transferee of the account has a security interest in the goods against the transferor. Such security interest is subordinate to a security interest asserted under paragraph (a).

(d) A security interest of an unpaid transferee asserted under paragraph (b) or (c) must be perfected for protection against creditors of the transferor and purchasers of the returned or repossessed goods.

9307. (1) A buyer in ordinary course of business (subdivision (9) of Section 1201) other than a person buying farm products from a person engaged in farming operations takes free of a security interest created by his seller even though the security interest is perfected and even though the buyer knows of its existence.

9308. A purchaser of chattel paper or a nonnegotiable instrument who gives new value and takes possession of it in the ordinary course of his business and without knowledge that the specific paper or instrument is subject to a security interest has priority over a security interest which is perfected under Section 9304 (permissive filing and temporary perfection). A purchaser of chattel paper who gives new value and takes possession of it in the ordinary course of his business has priority over a security interest in chattel paper which is claimed merely as proceeds of inventory subject to a security interest (Section 9306), even though he knows that the specific paper is subject to the security interest.

9309. Nothing in this division limits the rights of a holder in due course of a negotiable instrument (Section 3302) or a holder to whom a negotiable document of title has been duly negotiated (Section 7501) or a bona fide purchaser of a security (Section 8302) and such holders or purchasers take priority over an earlier security interest even though perfected. Filing under this division does not constitute notice of the security interest to such holders or purchasers.

9310. When a person in the ordinary course of his business furnishes services or materials with respect to goods subject to a security interest, a lien upon goods in the possession of such person given by statute or rule of law for such materials or services takes priority over a perfected security interest unless the lien is statutory and the statute expressly provides otherwise.

9311. The debtor's rights in collateral may be voluntarily or involuntarily transferred (by way of sale, creation of a security interest, attachment, levy, garnishment or other judicial process notwithstanding a provision in the security agreement

prohibiting any transfer but a provision in the security agreement making the transfer constitute a default is valid.

9312. (1) The rules of priority stated in the following sections shall govern where applicable: Section 4208 with respect to the security interest of collecting banks in items being collected, accompanying documents and proceeds; Section 9301 on certain priorities; Section 9304 on goods covered by documents; Section 9306 on proceeds and repossessions; Section 9307 on buyers of goods; Section 9308 on possessory against nonpossessory interests in chattel paper or nonnegotiable instruments; Section 9309 on security interests in negotiable instruments, documents or securities; Section 9310 on priorities between perfected security interests and liens by operation of law; Section 9314 on security interests in accessions as against interest in goods; Section 9315 on conflicting security interests where goods lose their identity or become part of a product; and Section 9316 on contractual subordination.

(3) A purchase money security interest in inventory collateral has priority over a conflicting security interest in the same collateral if

(a) The purchase money security interest is perfected at the time the debtor receives possession of the collateral; and

(b) Any secured party whose security interest is known to the holder of the purchase money security interest or who, prior to the date of the filing made by the holder of the purchase money security interest, had filed a financing statement covering the same items or type of inventory, has received notification of the purchase money security interest before the debtor receives possession of the collateral covered by the purchase money security interest; and

(c) Such notification states that the person giving the notice has or expects to acquire a purchase money security interest in inventory of the debtor, describing such inventory by item or type.

(4) A purchase money security interest in collateral other than inventory has priority over a conflicting security interest in the same collateral if the purchase money security interest is perfected at the time the debtor receives possesson of the collateral or within 10 days thereafter.

(5) In all cases not governed by other rules stated in this section (including cases of purchase money security interests which do not qualify for the special priorities set forth in subdivisions (3) and (4) of this section), priority between conflicting security interests in the same collateral shall be determined as follows:

(a) In the order of filing if both are perfected by filing, regardless of which security interest attached first under Section 9204(1) and whether it attached before or after filing;

(b) In the order of perfection unless both are perfected by filing, regardless of which security interest attached first under

Section 9204(1) and, in the case of a filed security interest, whether it attached before or after filing; and

(c) In the order of attachment under Section 9204(1) so long as neither is perfected.

(6) For the purpose of the priority rules of the immediately preceding subdivision, a continuously perfected security interest shall be treated at all times as if perfected by filing if it was originally so perfected and it shall be treated at all times as if perfected otherwise than by filing if it was originally perfected otherwise than by filing.

(7) The secured party takes priority as to the future advances specified below from the time his security interest was originally perfected:

(a) If a maximum amount to be secured is stated in the filed financing statement (or in a security agreement where a financing statement is not required to be filed), as to all advances up to that amount outstanding at any one time (without regard to advances already repaid or discharged), whether the making of such advances is optional with or obligatory upon the secured party;

(b) If a maximum amount to be secured is not so stated, as to all obligatory advances, and as to all optional advances made by the secured party without knowledge of an intervening right; and

(c) In all cases, as to advances and expenditures made by the secured party for the protection, maintenance, preservation or repair of the collateral.

Accrued interest has the same priority as the advance or expenditure to which it relates. Repayment in full of amounts owing under a security agreement covering future advances does not extinguish the security interest of the secured party.

This subdivision (7) does not apply to conflicting security interests in the same collateral, priorities among which are governed by subdivisions (3), (4) and (5) of this section.

9314. (1) A security interest in goods which attaches before they are installed in or affixed to other goods takes priority as to the goods installed or affixed (called in this section "accessions") over the claims of all persons to the whole except as stated in subdivision (3) and subject to Section 9315(1).

(2) A security interest which attaches to goods after they become part of a whole is valid against all persons subsequently acquiring interests in the whole except as stated in subdivision (3) but is invalid against any person with an interest in the whole at the time the security interest attaches to the goods who has not in writing consented to the security interest or disclaimed an interest in the goods as part of the whole.

(3) The security interests described in subdivisions (1) and (2) do not take priority over

(a) A subsequent purchaser for value of any interest in the whole; or

(b) A creditor with a lien on the whole subsequently obtained by judicial proceedings; or

(c) A creditor with a prior perfected security interest in the whole to the extent that he makes subsequent advances if the subsequent purchase is made, the lien by judicial proceedings obtained or the subsequent advance under the prior perfected security interest is made or contracted for without knowledge of the security interest and before it is perfected. A purchaser of the whole at a foreclosure sale other than the holder of a perfected security interest purchasing at his own foreclosure sale is a subsequent purchaser within this section.

(4) When under subdivisions (1) or (2) and (3) a secured party has an interest in accessions which has priority over the claims of all persons who have interests in the whole, he may on default subject to the provisions of Chapter 5 remove his collateral from the whole but he must reimburse any encumbrancer or owner of the whole who is not the debtor and who has not otherwise agreed for the cost of repair of any physical injury but not for any diminution in value of the whole caused by the absence of the goods removed or by any necessity for replacing them. A person entitled to reimbursement may refuse permission to remove until the secured party gives adequate security for the performance of this obligation.

9315. (1) If a security interest in goods was perfected and subsequently the goods or a part thereof have become part of a product or mass, the security interest continues in the product or mass if

(a) The goods are so manufactured, processed, assembled or commingled that their identity is lost in the product or mass; or

(b) A financing statement covering the original goods also covers the product into which the goods have been manufactured, processed or assembled.

In a case to which paragraph (b) applies, no separate security interest in that part of the original goods which has been manufactured, processed or assembled into the product may be claimed under Section 9314.

(2) When under subdivision (1) more than one security interest attaches to the product or mass, they rank equally according to the ratio that the cost of the goods to which each interest originally attached bears to the cost of the total product or mass.

9316. Nothing in this division prevents subordination by agreement by any person entitled to priority.

9317. The mere existence of a security interest or authority given to the debtor to dispose of or use collateral does not impose contract or tort liability upon the secured party for the debtor's acts or omissions.

9318. (1) Unless an account debtor has made an enforceable agreement not to assert defenses or claims arising out of a sale as provided in Section 9206 the rights of an assignee are subject to

(a) All the terms of the contract between the account debtor and assignor and any defense or claim arising therefrom; and

(b) Any other defense or claim of the account debtor against the assignor which accrues before the account debtor receives notification of the assignment.

(2) So far as the right to payment under an assigned contract right has not already become an account, and notwithstanding notification of the assignment, any modification of or substitution for the contract made in good faith and in accordance with reasonable commercial standards is effective against an assignee unless the account debtor has otherwise agreed but the assignee acquires corresponding rights under the modified or substituted contract The assignment may provide that such modification or substitution is a breach by the assignor.

(3) The account debtor is authorized to pay the assignor until the account debtor receives notification that the account has been assigned and that payment is to be made to the assignee. A notification which does not reasonably identify the rights assigned is ineffective. If requested by the account debtor, the assignee must seasonably furnish reasonable proof that the assignment has been made and unless he does so the account debtor may pay the assignor.

(4) A term in any contract between an account debtor and an assignor which prohibits assignment of an account or contract right to which they are parties or which requires the account debtor's consent to such assignment is ineffective.

CHAPTER 4. FILING

9401. (1) The proper place to file in order to perfect a security interest is as follows:

(a) When the collateral is equipment used in farming operations, or farm products other than crops, or accounts or contract rights arising from or relating to the sale of farm products by a farmer, or consumer goods, then in the office of the county recorder in the county of the debtor's residence or if the debtor is not a resident of this State then in the office of the county recorder in the county where the goods are kept;

(b) When the collateral is crops or timber to be cut, then in the office of the county recorder in the county where the land on which the crops are growing or to be grown or on which the timber is standing is located;

(c) In all other cases, in the office of the Secretary of State.

(2) A filing which is made in good faith in an improper place or not in all of the places required by this section is nevertheless effective with regard to any collateral as to which the filing complied with the requirements of this division and is also effective with regard to collateral covered by the financing statement against any person who has knowledge of the contents of such financing statement.

(3) A filing which is made in the proper place in this State continues effective even though the debtor's residence or the location of the collateral or its use, whichever controlled the original filing, is thereafter changed.

(4) If collateral is brought into this State from another jurisdiction, the rules stated in Section 9103 determine whether filing is necessary in this State.

(5) The county of residence of an organization is the county in which it has its chief place of business in fact.

9402. (1) A financing statement is sufficient if it is signed by the debtor and by the secured party, gives the name and mailing address of the secured party, the name and mailing address of the debtor and contains a statement indicating the types of collateral or describing the items of collateral. The financing statement shall also set forth: if the debtor is an individual, the address of his residence and the address of his chief place of business, if any; if the debtor is an organization, the address of its chief place of business; if the debtor is doing business under a trade name or style, such trade name or style. A financing statement may be filed before a security agreement is made or before a security interest otherwise attaches. When the financing statement covers crops growing or to be grown or timber to be cut, the statement must also contain a description of the real property concerned. A copy of the security agreement is sufficient as a financing statement if it contains the above information and is signed by both parties.

(2) A financing statement which otherwise complies with subdivision (1) is sufficient although it is signed only by the secured party when it is filed to perfect a security interest in

(a) Collateral already subject to a security interest in another jurisdiction when it is brought into this State. Such financing statement must state that the collateral was brought into this State under such circumstances;

(b) Proceeds under Section 9306, if the security interest in the original collateral was perfected. Such a financing statement must describe the original collateral.

(3) A form substantially as follows is sufficient to comply with subdivision (1):

FINANCING STATEMENT

Name of debtor_____
Mailing address of debtor_____
Name of secured party_____
Mailing address of secured party_____
Address of debtor's residence (if an individual) _____ and address of his chief place of business (if any)_____
Address of chief place of business of debtor (if an organization) _____
The debtor is doing business under the following trade name or style _____

(1) This financing statement covers the following types (or items) of property: (description of the collateral)

(2) (If collateral is crops or timber) The above described crops or timber are growing or are to be grown on or are standing on: (description of real property)

(3) (If proceeds or products of collateral are claimed) (Proceeds) (Products) of the collateral are also covered

(4) (Optional) The maximum amount of the indebtedness to be secured at any one time is _____ dollars ($_____).

Date: _____ 19___

Signature of debtor
Signature of secured party

(If the transaction consists of a sale of accounts, contract rights or chattel paper, the term seller or assignor may be substituted for debtor and the term buyer or assignee may be substituted for secured party.)

(4) The term "financing statement" as used in this code means the original financing statement and any amendments signed by the debtor and the secured party or a financing statement signed only by the secured party under Section 9402(2) and any amendments thereto, but if any amendment adds collateral, it is effective as to the added collateral only from the filing date of the amendment.

(5) A financing statement substantially complying with the requirements of this section is effective even though it contains minor errors which are not seriously misleading.

9403 (1) Presentation for filing of a financing statement, tender of the filing fee and acceptance of the statement by the filing officer constitutes filing under this code.

(2) A filed financing statement is effective for a period of five years from the date of filing. The effectiveness of a filed financing statement lapses on the expiration of such five-year period unless a continuation statement is filed prior to such lapse. Upon such lapse the security interest becomes unperfected.

(3) A continuation statement may be filed by the secured party of record within six months prior to the end of the five-year period. Any such continuation statement must be signed by the secured party of record, identify the original statement by giving the date and the names of the parties thereto and the file number thereof and state that the original statement is continued. Upon timely filing of the continuation statement, the effectiveness of the original statement is continued for five years from the time when it would otherwise have lapsed, whereupon it lapses in the same manner as provided in subdivision (2) unless another continuation statement is filed prior to such lapse. Succeeding continuation statements may be filed in the same manner to continue the effectiveness of the original financing statement.

(4) (a) The filing officer shall mark each financing statement with a consecutive file number and with the date and time of filing. He shall index the statement according to the name of the debtor (or assignor or seller) and shall note in the index the file number and the mailing address of the debtor (or assignor or seller) given in the statement.

(b) The filing officer shall mark each such continuation statement with the date and time of filing and shall index the same under the name of the debtor (or assignor or seller) and under the file number of the original financing statement.

(c) A financing or continuation statement relating to crops or timber shall also be indexed by the filing officer in the real property index of grantors under the name of the debtor. A financing or continuation statement relating to crops or timber so indexed and containing a description of real property affected thereby shall constitute constructive notice from the time of its acceptance for filing to any purchaser or encumbrancer of said real property of the security interest in the crops or timber.

(5) The uniform fee for filing, indexing and furnishing filing data (subdivision (1) of Section 9407) for an original or a continuation statement on a form conforming to standards prescribed by the Secretary of State shall be two dollars ($2) or, if the statement otherwise conforms to the requirements of this division, three dollars ($3).

9404. (1) Whenever there is no outstanding secured obligation and no commitment to make advances, incur obligations or otherwise give value, the secured party of record must on written demand by the debtor send the debtor a statement that he no longer claims a security interest under the financing statement, which shall be identified by file number. If the affected secured party of record fails to send such a termination statement within 10 days after proper demand therefor he shall be liable to the debtor for all actual damages suffered by the debtor by reason of such failure, and if the failure is in bad faith for a penalty of one hundred dollars ($100).

(2) The filing officer shall mark each such termination statement with the date and time of filing and shall index the same under the name of the debtor and under the file number of the original financing statement.

(3) The uniform fee for filing, indexing and furnishing filing data (subdivision (1) of Section 9407) for a termination statement on a form conforming to standards prescribed by the Secretary of State shall be two dollars ($2) or, if such a statement otherwise conforms to the requirements of this section, three dollars ($3).

9405. (1) A secured party of record may by a writing release his security interest in all or a part of the collateral covered by a filed financing statement. A statement of release is sufficient if it is signed by the secured party of record, contains a statement describing the collateral being released, the

name and address of the debtor, and the file number of the original financing statement.

(2) The filing officer shall mark each such statement with the date and time of filing and index the same under the name of the debtor and under the file number of the original financing statement.

(3) The uniform fee for filing, indexing and furnishing filing data (subdivision (1) of Section 9407) for a statement of release on a form conforming to standards prescribed by the Secretary of State shall be two dollars ($2) or, if such a statement otherwise conforms to the requirements of this section, three dollars ($3).

9406. (1) If a secured party assigns or transfers his security interest in any collateral as to which a financing statement has been filed, a statement of such assignment may be filed. Such statement shall be signed by the secured party, describe the collateral as to which the security interest has been assigned, give the name and mailing address of the assignee or transferee, the name and address of the debtor and the file number of the original financing statement.

(2) The filing officer shall mark each such statement of assignment or transfer with the date and time of filing and shall index the same under the name of the debtor and under the file number of the original financing statement.

(3) A statement of assignment may be filed at the time of the filing of the financing statement, in which event the filing officer shall first file the financing statement and index the assignment under the name of the debtor and under the file number given the financing statement. An assignment endorsed on the financing statement before it is filed with the filing officer need not be indexed by him.

(4) The uniform fee for filing, indexing and furnishing filing data (subdivision (1) of Section 9407) for a separate statement of assignment on a form conforming to standards prescribed by the Secretary of State shall be two dollars ($2) or, if such a statement otherwise conforms to the requirements of this section, three dollars ($3).

(5) Whenever a continuation statement, an amendment to a financing statement, a termination statement, a statement of release or a statement of assignment signed by one other than the secured party of record is presented for filing it must be accompanied by a statement of assignment signed by the secured party of record covering the collateral to which such continuation statement, amendment, termination statement, release, or assignment applies.

(6) Wherever in this code reference is made to the secured party of record it means the secured party named in the original financing statement or, if a statement of assignment has been filed, the assignee or transferee of the security interest in the collateral affected. Any continuation statement, amendment to a financing statement, termination statement, statement of release or statement of assignment signed by one other than the

secured party of record as to the collateral affected thereby shall be ineffective for any purpose except as between the parties thereto.

9407. (1) If the person filing any financing statement, termination statement, statement of assignment, or statement of release, furnishes the filing officer a copy thereof, the filing officer shall upon request note upon the copy the file number and date and hour of the filing of the original and deliver or send the copy to such person.

(2) Upon request of any person, the filing officer shall issue his certificate showing whether there is on file on the date and hour stated therein, any presently effective financing statement naming a particular debtor and any statement of assignment thereof and if there is, giving the date and hour of filing of each such statement and the names and addresses of each secured party therein. The uniform fee for such a certificate shall be one dollar ($1) plus one dollar ($1) for each financing statement and for each statement of assignment reported therein. Upon request the filing officer shall furnish a copy of any filed financing statement or statement of assignment for a uniform fee of one dollar ($1) for the first page and fifty cents ($.50) for each page thereafter.

9408. Unless a filing officer has notice of an action pending relative thereto, he may remove from the files and destroy

(1) A lapsed financing statement, a lapsed continuation statement, a statement of assignment or release relating to either, one year or more after lapse; and

(2) A termination statement and the financing statement to which it relates, together with any related continuation statement or statement of asssignment or release, one year or more after the filing of the termination statement.

Chapter 5. Default

9501. (1) When a debtor is in default under a security agreement, a secured party has the rights and remedies provided in this chapter and except as limited by subdivision (3) those provided in the security agreement. He may reduce his claim to judgment, foreclose or otherwise enforce the security interest by any available judicial procedure. If the collateral is documents the secured party may proceed either as to the documents or as to the goods covered thereby. A secured party in possession has the rights, remedies and duties provided in Section 9207. The rights and remedies referred to in this subdivision are cumulative.

(2) After default, the debtor has the rights and remedies provided in this chapter, those provided in the security agreement and those provided in Section 9207.

(3) To the extent that they give rights to the debtor and impose duties on the secured party, the rules stated in the subdivisions referred to below may not be waived or varied except as provided with respect to redemption of collateral (Sec-

tion 9506) but the parties may by agreement determine the standards by which the fulfillment of these rights and duties is to be measured if such standards are not manifestly unreasonable:

(a) Subdivision (2) of Section 9502 and subdivision (2) of Section 9504 insofar as they require accounting for surplus proceeds of collateral;

(b) Subdivision (3) of Section 9504 which deals with disposition of collateral;

(c) Section 9505 which deals with acceptance of collateral as discharge of obligation;

(d) Section 9506 which deals with redemption of collateral; and

(e) Subdivision (1) of Section 9507 which deals with the secured party's liability for failure to comply with this chapter.

(4) If the security agreement covers both real and personal property, the secured party may proceed under this chapter as to the personal property or he may proceed as to both the real and the personal property in accordance with his rights and remedies in respect of the real property in which case the provisions of this chapter do not apply.

(5) When a secured party has reduced his claim to judgment the lien of any levy which may be made upon his collateral by virtue of any execution based upon the judgment shall relate back to the date of the perfection of the security interest in such collateral. A judicial sale, pursuant to such execution, is a foreclosure of the security interest by judicial procedure within the meaning of this section, and the secured party may purchase at the sale and thereafter hold the collateral free of any other requirements of this division.

9502. (1) When so agreed and in any event on default the secured party is entitled to notify an account debtor or the obligor on an instrument to make payment to him whether or not the assignor was theretofore making collections on the collateral, and also to take control of any proceeds to which he is entitled under Section 9306.

(2) A secured party who by agreement is entitled to charge back uncollected collateral or otherwise to full or limited recourse against the debtor and who undertakes to collect from the account debtors or obligors must proceed in a commercially reasonable manner and may deduct his reasonable expenses of realization from the collections. If the security agreement secures an indebtedness, the secured party must account to the debtor for any surplus, and unless otherwise agreed, the debtor is liable for any deficiency. But, if the underlying transaction was a sale of accounts, contract rights, or chattel paper, the debtor is entitled to any surplus or is liable for any deficiency only if the security agreement so provides.

9503. Unless otherwise agreed a secured party has on default the right to take possession of the collateral. In taking

possession a secured party may proceed without judicial process if this can be done without breach of the peace or may proceed by action. If the security agreement so provides the secured party may require the debtor to assemble the collateral and make it available to the secured party at a place to be designated by the secured party which is reasonably convenient to both parties. Without removal a secured party may render equipment unusable, and may dispose of collateral on the debtor's premises under Section 9504.

9504. (1) A secured party after default may sell, lease or otherwise dispose of any or all of the collateral in its then condition or following any commercially reasonable preparation or processing. Any sale of goods is subject to the division on sales (Division 2). The proceeds of disposition shall be applied in the order following to

(a) The reasonable expenses of retaking, holding, preparing for sale, selling and the like and, to the extent provided for in the agreement and not prohibited by law, the reasonable attorneys' fees and legal expenses incurred by the secured party;

(b) The satisfaction of indebtedness secured by the security interest under which the disposition is made;

(c) The satisfaction of indebtedness secured by any subordinate security interest in the collateral if written notification of demand therefor is received before distribution of the proceeds is completed. If requested by the secured party, the holder of a subordinate security interest must seasonably furnish reasonable proof of his interest, and unless he does so, the secured party need not comply with his demand.

(2) If the security interest secures an indebtedness, the secured party must account to the debtor for any surplus, and, unless otherwise agreed, the debtor is liable for any deficiency. But if the underlying transaction was a sale of accounts, contract rights, or chattel paper, the debtor is entitled to any surplus or is liable for any deficiency only if the security agreement so provides.

(3) A sale or lease of collateral may be as a unit or in parcels, at wholesale or retail and at any time and place and on any terms, provided the secured party acts in good faith and in a commercially reasonable manner. Unless collateral is perishable or threatens to decline speedily in value or is of a type customarily sold on a recognized market, the secured party must give to the debtor, and to any other person who has a security interest in the collateral and who has filed with the secured party a written request for notice giving his address, a notice in writing of the time and place of any public sale or of the time on or after which any private sale or other intended disposition is to be made. Such notice must be delivered personally or be deposited in the United States mail postage prepaid addressed to the debtor at his address as set forth in the financing statement or as set forth in the security

agreement or at such other address as may have been furnished to the secured party in writing for this purpose, or, if no address has been so set forth or furnished, at his last known address, and to any other secured party at the address set forth in his request for notice, at least five days before the date fixed for any public sale or before the day on or after which any private sale or other disposition is to be made. Notice of the time and place of a public sale shall also be given at least five days before the date of sale by publication once in a newspaper of general circulation published in the county in which the sale is to be held. Any public sale shall be held in the county or place specified in the security agreement, or if no county or place is specified in the security agreement, in the county in which the collateral or any part thereof is located or in the county in which the debtor has his residence or chief place of business, or in the county in which the secured party has his residence or a place of business if the debtor does not have a residence or chief place of business within this State. If the collateral is located outside of this State or has been removed from this State, a public sale may be held in the locality in which the collateral is located Any public sale may be postponed from time to time by public announcement at the time and place last scheduled for the sale. The secured party may buy at any public sale and if the collateral is customarily sold in a recognized market or is the subject of widely or regularly distributed standard price quotations he may buy at private sale. Any sale of which notice is delivered or mailed and published as herein provided and which is held as herein provided is a public sale.

(4) When collateral is disposed of by a secured party after default, the disposition transfers to a purchaser for value all of the debtor's rights therein, discharges the security interest under which it is made and any security interest or lien subordinate thereto. The purchaser takes free of all such rights and interest even though the secured party fails to comply with the requirements of this chapter or of any judicial proceedings

(a) In the case of a public sale, if the purchaser has no knowledge of any defects in the sale and if he does not buy in collusion with the secured party, other bidders or the person conducting the sale; or

(b) In any other case, if the purchaser acts in good faith.

(5) A person who is liable to a secured party under a guaranty, indorsement, repurchase agreement or the like and who receives a transfer of collateral from the secured party or is subrogated to his rights has thereafter the rights and duties of the secured party. Such a transfer of collateral is not a sale or disposition of the collateral under this division

9505. (2) After default a secured party in possession may propose to retain the collateral in satisfaction of the obligation. Written notice of such proposal shall be sent to the debtor and, except in the case of consumer goods, to any

other secured party who has a security interest in the collateral and who is entitled to notice of sale under subdivision (3) of Section 9504. If the debtor or other person entitled to receive notification objects in writing within 30 days from the receipt of the notification, or if any other secured party objects in writing within 30 days after the secured party obtains possession, the secured party must dispose of the collateral under Section 9504. In the absence of such written objection, the secured party may retain the collateral in satisfaction of the debtor's obligation. The notice to the debtor or other secured party provided for by this section must inform the person to whom sent of the requirement of a written objection within 30 days in order to obtain disposition of the collateral under Section 9504.

9506. At any time before the secured party has disposed of collateral or entered into a contract for its disposition under Section 9504 or before the obligation has been discharged under Section 9505 the debtor or any other secured party may unless otherwise agreed in writing after default redeem the collateral by tendering fulfillment of all obligations secured by the collateral as well as the expenses reasonably incurred by the secured party in retaking, holding and preparing the collateral for disposition, in arranging for the sale, and to the extent provided in the agreement and not prohibited by law, his reasonable attorneys' fees and legal expenses.

9507. (1) If it is established that the secured party is not proceeding in accordance with the provisions of this chapter disposition may be ordered or restrained on appropriate terms and conditions. If the disposition has occurred the debtor or any person entitled to notification or whose security interest has been made known to the secured party prior to the disposition has a right to recover from the secured party any loss caused by a failure to comply with the provisions of this chapter.

(2) The fact that a better price could have been obtained by a sale at a different time or in a different method from that selected by the secured party is not of itself sufficient to establish that the sale was not made in a commercially reasonable manner. If the secured party either sells the collateral in the usual manner in any recognized market therefor or if he sells at the price current in such market at the time of his sale or if he has otherwise sold in conformity with reasonable commercial practices among dealers in the type of property sold he has sold in a commercially reasonable manner. The principles stated in the two preceding sentences with respect to sales also apply as may be appropriate to other types of disposition A disposition which has been approved in any judicial proceeding or by any bona fide creditors' committee or representative of creditors shall conclusively be deemed to be commercially reasonable, but this sentence does not indicate that any such approval must be obtained in any case nor does it

indicate that any disposition not so approved is not commercially reasonable.

DIVISION 10. EFFECTIVE DATE AND REPEALER

10101. This code shall become effective on January 1, 1965. It applies to transactions entered into and events occurring after that date.

10102. Transactions validly entered into before the effective date specified in Section 10101 and the rights, duties and interests flowing from them remain valid thereafter and may be terminated, completed, consummated or enforced as required or permitted by any statute or other law amended or repealed by this act as though such repeal or amendment had not occurred; provided, however, that the perfection of a security interest (other than a security interest in a motor vehicle or boat required to be registered under the Vehicle Code or the Harbors and Navigation Code unless such vehicle or boat is inventory), as defined in this code (Section 1201), and however denominated in any law repealed by this act,

(a) Which was perfected when this act takes effect by a filing or recording under a law repealed by this act and requiring a further filing or recording to continue its perfection, continues until and will lapse on the date provided by the law so repealed for such further filing or recording;

(b) Which was perfected when this act takes effect by a filing or recording under a law repealed by this act and requiring no further filing or recording to continue its perfection, continues until and will lapse 12 months after the date this act takes effect;

(c) Which was perfected when this act takes effect without any filing or recording, but with respect to which a financing statement is required to be filed in order for it to be perfected under this code, continues until and will lapse 12 months after this act takes effect;

unless, in each case, a continuation statement is filed by the secured party within 12 months before the perfection of the security interest would otherwise lapse. Any such continuation statement must be signed by the secured party, identify the original security agreement, however denominated, state the office where and the date when last filed or refiled, or recorded or rerecorded, and the filing number or recordation data and further state that the original security agreement is still effective. Section 9401(1) determines the proper place to file such a continuation statement. Except as herein specified the provisions of Section 9403(3) apply to such a continuation statement.

10103. Except as provided in the following section, all acts and parts of acts inconsistent with this act are hereby repealed.

10104. The division on documents of title (Division 7) does not repeal or modify any laws prescribing the form or contents

of documents of title or the services or facilities to be afforded by bailees, or otherwise regulating bailees' businesses in respects not specifically dealt with herein; but the fact that such laws are violated does not affect the status of a document of title which otherwise complies with the definition of a document of title (Section 1201).

SEC. 2. Title 1 (commencing at Section 1721) of Part 4 of Division 3; Articles 3A (commencing at Section 1858), 3B (commencing at Section 1858.01) and 3C (commencing at Section 1858.90) of Chapter 2 of Title 3 of Part 4 of Division 3; Article 3 (commencing at Section 2126) of Chapter 3 of Title 7 of Part 4 of Division 3; Article 8 (commencing at Section 2858) of Title 13 of Part 4 of Division 3; Article 3 (commencing at Section 2955) of Chapter 2 of Title 14 of Part 4 of Division 3; Chapter 3 (commencing at Section 2986); Chapter 3a (commencing at Section 3012), Chapter 3b (commencing at Section 3017), and Chapter 3c (commencing at Section 3030) of Title 14 of Part 4 of Division 3; and Title 15 (commencing at Section 3082) of Part 4 of Division 3, of the Civil Code are repealed.

SEC. 3. Section 955 of the Civil Code is amended to read:

955. A transfer other than one intended to create a security interest (Section 9102(1)(a) of the Uniform Commercial Code) of a nonnegotiable instrument which is otherwise negotiable within Division 3 of the Uniform Commercial Code but which is not payable to order or to bearer and a sale of accounts, contract rights or chattel paper as part of a sale of the business out of which they arose (Section 9104(f) of the Uniform Commercial Code) shall be deemed perfected against third persons when such property rights have been endorsed or assigned in writing and in the case of such instruments or chattel paper delivered to the transferee, whether or not notice of such transfer or sale has been given to the obligor; but such endorsement, assignment or delivery shall not be, of itself, notice to the obligor so as to invalidate any payments made by him to the transferor.

SEC. 4. Section 955.1 of the Civil Code is amended to read:

955.1. Except as provided in Section 955, a transfer other than one intended to create a security interest (Section 9102(1)(a) of the Uniform Commercial Code) of any general intangible (Section 9106 of the Uniform Commercial Code) consisting of any right to payment and the transfer of any right represented by a judgment (Section 9104(h) of the Uniform Commercial Code) and any transfer of accounts, contract rights or chattel paper excluded from the coverage of Division 9 of the Uniform Commercial Code by Section 9104(f) thereof shall be deemed perfected as against third persons upon there being executed and delivered to the transferee an assignment thereof in writing; provided, however, that as between bona fide assignees of the same right for value without notice, the assignee first giving notice thereof to the obligor in writing shall have priority; but such assignment

shall not be, of itself, notice to the obligor so as to invalidate any payments made by him to the transferor.

SEC. 5. Section 1624a of the Civil Code is repealed.

SEC. 6. Section 1802.6 of the Civil Code is amended to read:

1802.6 "Retail installment contract" or "contract" means any contract for a retail installment sale between a buyer and seller, entered into or performed in this State, which provides for repayment in installments, whether or not such contract contains a title retention provision, and in which a time price differential is computed upon and added to the unpaid balance at the time of sale or where no time price differential is added but the goods or services are available at a lesser price if paid by cash or where the buyer, if he had paid cash, would have received any additional goods or services or any higher quality goods or services at no added cost over the total amount he pays in installments. When taken or given in connection with a retail installment sale, the term includes but is not limited to a security agreement and a contract for the bailment or leasing of goods by which the bailee or lessee contracts to pay as compensation for their use a sum substantially equivalent to or in excess of their value and by which it is agreed that the bailee or lessee is bound to become, or has the option of becoming, the owner of the goods upon full compliance with the terms of the contract.

SEC. 7. Section 1803.2 of the Civil Code is amended to read:

1803.2. Except as provided in Section 1808.3, every retail installment contract shall be contained in a single document which shall contain:

(a) The entire agreement of the parties with respect to the cost and terms of payment for the goods and services, including any promissory notes or any other evidences of indebtedness between the parties relating to the transaction, and including any promise, whether made in writing or orally, by the seller, made as an inducement to the buyer to become a party to the contract or which is part of the contract or which is made incidental to negotiations between the seller and the buyer with respect to the sale of the goods or services that are the subject of the contract, that the seller will compensate the buyer for referring customers or prospective customers to the seller for goods or services which the seller has for sale or for referring the seller to such customers or prospective customers In any case in which, pursuant to the preceding provisions, the contract contains a promise to compensate the buyer for referring customers or prospective customers to the seller or the seller to such customers, the contract must contain a provision to the effect that the amount otherwise owing under the contract a any time is reduced by the amount of compensation owing pursuant to such promise.

(b) Either at the top of the contract or directly above the space reserved for the signature of the buyer, the words "Se-

curity Agreement" or "Lien Contract," as the case may be, shall appear in at least 10-point bold type where a security interest in the goods is retained or a lien on other goods or realty is obtained by the seller as security for the goods or services purchased. Either at the top of the contract or directly above the space reserved for the signature of the buyer, the words "Retail Installment Contract" shall appear in at least 10-point bold type where security is not obtained by the seller for the goods or services purchased.

(c) A notice in at least eight-point bold type reading as follows: "Notice to the buyer: (1) Do not sign this agreement before you read it or if it contains any blank space. (2) You are entitled to a completely filled-in copy of this agreement. (3) Under the law, you have the right to pay off in advance the full amount due and under certain conditions to obtain a partial refund of the service charge."

SEC. 8. Section 2115 of the Civil Code is amended to read:

2115. Subject to Section 7303 of the Uniform Commercial Code, a carrier must comply with the directions of the consignor or consignee to the same extent that an employee is bound to comply with those of his employer.

SEC. 9. Section 2116 of the Civil Code is repealed.

SEC. 10. Section 2118 of the Civil Code is amended to read:

2118. Subject to Section 7303 of the Uniform Commercial Code, a carrier of property must deliver it to the consignee, at the place to which it is addressed, in the manner usual at that place.

SEC. 11. Section 2119 of the Civil Code is amended to read:

2119. If there is no usage to the contrary at the place of delivery, freight must be delivered as follows:

1. If carried upon a railway owned or managed by the carrier, it may be delivered at the station nearest to the place to which it is addressed;

2. If carried by sea from a foreign country, it may be delivered at the wharf where the ship moors, within a reasonable distance from the place of address; or, if there is no wharf, on board a lighter alongside the ship; or,

3. Subject to Section 7303 of the Uniform Commercial Code, in other cases, it must be delivered to the consignee or his agent, personally, if either can, with reasonable diligence, be found.

SEC. 12. Section 2201 of the Civil Code is repealed.

SEC. 13. Section 2202 of the Civil Code is repealed.

SEC. 14. Section 2914 is added to Chapter 1 of Title 14 of Part 4 of Division 3 of the Civil Code, to read:

2914. None of the provisions of this chapter apply to any transaction or security interest governed by the Uniform Commercial Code.

SEC. 15. Section 2944 is added to Article 1 of Chapter 2 of Title 14 of Part 4 of Division 3 of the Civil Code, to read:

2944. None of the provisions of this chapter apply to any transaction or security interest governed by the Uniform Commercial Code.

SEC. 16. Section 2980 of the Civil Code is repealed.

SEC. 17. Section 2980.5 of the Civil Code is amended to read:

2980.5. (a) As used in this section "contract" means any agreement, other than one intended to create a security interest (Section 9102(1)(a) of the Uniform Commercial Code), for the leasing of livestock or other animate chattels, or any agreement for the bailment or feeding of cattle of such breeds or crossbreeds as are primarily used for the production of milk for human consumption (hereinafter termed "dairy cattle"); "lessor" means the lessor of any such chattels, or the bailor or person owning dairy cattle under a feeding agreement; "lessee" means the lessee of any such chattels or the bailee or person feeding dairy cattle. For the purposes of this section bovine animals of the Galloway, Hereford, Polled Hereford, Aberdeen Angus, shorthorn (other than milking shorthorn), and Brahma breeds or crossbreeds within any of said breeds, and steers of any breed or crossbreed, including dairy breeds and crossbreeds, are not "dairy cattle."

(b) Unless any such contract is recorded in accordance with subsection (d) of this section within 10 days after the contract is executed, every provision therein reserving title or property in any such chattels to the lessor after possession of the chattels is delivered to the lessee shall be void as to any purchaser, creditor or encumbrancer who, without actual knowledge of such provision, in good faith and for value purchases the chattels from the lessee or acquires a security interest therein or lien thereon by security agreement attachment or levy, before the contract is so recorded, and as to any other creditor who, without actual knowledge of such provision, in good faith and for value becomes a creditor after possession of the chattels is delivered to the lessee and before the contract is so recorded, and as against any such purchaser, creditor or secured party title or property in any such chattels shall be conclusively presumed to have been transferred to the lessee unless the contract is so recorded.

(c) Without limiting the generality of subsection (b) of this section, for the purposes of this section a secured party having a security interest in livestock or other animate chattels and whose security agreement provides that it shall cover any such chattels subsequently acquired by the debtor shall be deemed to acquire a security interest upon any such chattels, the possession of which is thereafter delivered to the debtor under any contract as above defined, at the time possession thereof is acquired by the debtor, and such security interest shall be prior

and superior to the right, title or interest of the lessor under any such contract unless the contract is recorded within 10 days after the contract is executed.

(d) Any such contract must be acknowledged or proved and certified and must be recorded in the office of the county recorder of the county where the chattels are located at the time the contract is executed and also in the county where the lessee resides unless the lessee is a nonresident. Where the lessee is a corporation or a partnership the county of residence thereof for the purpose of recording such contract shall be deemed to be the county wherein such corporation or partnership has its principal place of business within this State.

SEC. 18. Section 3076 of the Civil Code is repealed.

SEC. 19. Section 3077 of the Civil Code is repealed.

SEC. 20. Section 3268 of the Civil Code is amended to read:

3268. Except where it is otherwise declared, the provisions of the foregoing titles of this part, in respect to the rights and obligations of parties to contracts, are subordinate to the intention of the parties, when ascertained in the manner prescribed by the chapter on the interpretation of contracts; and the benefit thereof may be waived by any party entitled thereto, unless such waiver would be against public policy.

SEC. 21. Section 3320 of the Civil Code is repealed.

SEC. 22. Section 3440 of the Civil Code is amended to read:

3440. Every transfer of personal property and every lien on personal property made by a person having at the time the possession or control of the property, and not accompanied by an immediate delivery followed by an actual and continued change of possession of the things transferred, is conclusively presumed fraudulent and void as against the transferor's creditors while he remains in possession and the successors in interest of those creditors, and as against any person on whom the transferor's estate devolves in trust for the benefit of others than the transferor and as against purchasers or encumbrancers in good faith subsequent to the transfer.

This section shall not apply to any of the following:

(a) Things in action.

(b) Ships or cargoes at sea or in a foreign port.

(c) Security interests and the sale of accounts, contract rights or chattel paper governed by the Uniform Commercial Code, and contracts of bottomry or respondentia.

(d) Wines or brandies in the wineries, distilleries, or wine cellars of the makers or owners of the wines or brandies, or other persons having possession, care, and control of the wines or brandies, and the pipes, casks, and tanks in which the wines or brandies are contained, if the transfers are made in writing and executed and acknowledged, and if the transfers are recorded in the book of official records in the office of the county recorder of the county in which the wines, brandies, pipes, casks, and tanks are situated.

(e) The transfer, or assignment, statutory or otherwise, made for the benefit of creditors generally or by any assignee acting under an assignment for the benefit of creditors generally, or to any security agreement made for the benefit of creditors generally.

(f) Property exempt from execution.

(g) Standing timber if the contract or grant in relation to the same is recorded as provided in Section 1220 of this code.

(h) A transfer of personal property if:

(1) Said personal property is leased back to the transferor immediately following said transfer.

(2) The transferor (lessee) or the transferee (lessor) records at least 10 days before the date of the transfer and leaseback in the office of the county recorder in the county or counties in which the personal property is situated, a notice of the intended transfer and leaseback which states the name and address of the transferor (lessee) and transferee (lessor). The notice shall contain a general statement of the character of the personal property intended to be transferred and leased back, and show the date when and place where the transaction is to be consummated.

(3) The transferor (lessee) or the transferee (lessor) publishes a copy of the notice pursuant to Section 6061 of the Government Code in a newspaper of general circulation published in the judicial district in which the personal property is situated, if there is one, and if there is none in the judicial district, then in a newspaper of general circulation in the county embracing the judicial district. The publication shall be completed not less than five days before the date of the intended transfer and leaseback.

This section shall not affect the rights of a secured party who acquires from the transferee or his successor a security interest in the personal property transferred if

1. The intended debtor or secured party records at least 10 days before the consummation of the security agreement in the office of the county recorded in the county or counties in which the personal property is situated, a notice of the transfer and intended security agreement which states the names and addresses of the transferor and transferee and of the intended debtor and secured party. The notice shall contain a general statement of the character of the personal property transferred and intended to be subject to the security interest, and show the date when and place where the security agreement is to be consummated, and

2. The intended debtor or secured party publishes a copy of the notice pursuant to Section 6061 of the Government Code in a newspaper of general circulation published in the judicial district in which the personal property is situated, if there is one, and if there is none in the judicial district, then in a newspaper of general circulation in the county embracing the judicial district. The publication shall be completed not less than five days before the date of the intended security agreement.

SEC. 23. Section 3440.1 of the Civil Code is repealed.

SEC. 24. Section 3440.5 of the Civil Code is repealed.

SEC. 25. Section 542 of the Code of Civil Procedure is amended to read:

542. The sheriff, constable, or marshal, to whom the writ is directed and delivered, must, upon receipt of instructions in writing, signed by the plaintiff or his attorney of record, and containing a description of the property, and in the case of real property or growing crops the name of the record owner of the real property to be attached, or upon which the crops are growing, execute the same without delay, and if the undertaking mentioned in Section 540 of this code be not given, as follows:

1. Real property, standing upon the records of the county in the name of the defendant, must be attached, by recording with the recorder of the county a copy of the writ, together with a description of the property attached, and a notice that it is attached, and by serving an occupant of the property, if there is one upon the property at the time service is attempted, with a similar copy of the writ, description and notice, or if there is no occupant then on the property, then, by posting the same in a conspicuous place on the property attached. Service upon the occupant may be made by leaving said copy of the writ, description and notice with the occupant personally, or, in his absence, with any person, of suitable age and discretion, found upon the property at the time service thereof is attempted and who is either an employee or agent of such occupant or a member of his family or household. Where the property described in the notice consists of more than one distinct lot, parcel or governmental subdivision and any of such lots, parcels, or governmental subdivisions lie with relation to any of the others so as to form one or more continuous, unbroken tracts, one service or posting need be made as to each such continuous, unbroken tract.

1a. Growing crops (which, until severed, shall be deemed personal property not capable of manual delivery), growing upon real property standing upon the records of the county in the name of the defendant, must be attached by recording with the recorder of the county a copy of the writ, together with a description of the growing crops to be attached, and of the real property upon which the same are growing, and a notice that such growing crops are attached in pursuance of the writ, and by serving an occupant of the real property, if there is one upon the real property at the time service is attempted, with a similar copy of the writ, description and notice, or if there is no occupant then on the real property, then, by posting the same in a conspicuous place on the real property. Service upon the occupant may be made by leaving said copy of the writ, description and notice with the occupant personally, or, in his absence, with any person, of suitable age and discretion, found upon the real property at the time service thereof is attempted and who is either an employee or agent

of such occupant or a member of his family or household. Where the real property described in the notice consists of more than one distinct lot, parcel or governmental subdivision, and any of such lots, parcels or governmental subdivisions lie with relation to any of the others so as to form one or more continuous unbroken tracts, one service or posting need be made as to each such continuous unbroken tract.

Whenever growing crops have been attached under the provisions of this subdivision, which will greatly deteriorate in value, unless properly cultivated, cared for, harvested, packed or sold, the court issuing such writ, upon application of the person in whose favor the writ runs, and after due notice to the owner of said property, may direct the sheriff to take possession of said property and to cultivate, care for and preserve the same and, when necessary, harvest, pack and sell such property. Any sale of such property shall be made in the same manner that property is sold on execution and the proceeds must be retained by the sheriff to be applied to the satisfaction of any judgment which may be recovered in the action in which said writ is issued. The court shall order said applicant to pay such expenses in advance if the court may deem it proper, or may direct that the whole or any part of such expenses be paid from the proceeds of any sale of such property.

2. Real property, or any interest therein, belonging to the defendant, and held by any other person, or standing on the records of the county in the name of any other person, must be attached in the same manner as is real property standing upon the records of the county in the name of the defendant by the provisions of subdivision 1 of this section and the notice of attachment shall state that the real property therein described, and any interest of the defendant therein held by or standing on the records of the county in the name of such other person (naming him), are attached. In addition, a similar copy of the writ, description and notice shall be delivered to such other person, or his agent, if known and within the county, or left at the residence of either, if within the county. The recorder must index such attachment when recorded, in the names, both of the defendant and of the person by whom the property is held or in whose name it stands of record.

2a. Growing crops (which, until severance, shall be deemed personal property not capable of manual delivery), or any interest therein, belonging to the defendant, and growing upon real property held by any other person or standing upon the records of the county in the name of any other person, must be attached in the same manner as growing crops growing upon real property standing upon the records of the county in the name of the defendant are attached by the provisions of subdivision 1a of this section, and the notice of attachment shall state that the crops therein described or any interest of the defendant therein, held by, or standing upon

the records of the county in the name of, such other person (naming him), are attached in pursuance of the writ. In addition, a similar copy of the writ, description and notice shall be delivered to such other person, or his agent, if known and within the county, or left at the residence of either, if known and within the county. The recorder must index such attachment when recorded, in the names of both the defendant and of the person by whom the real property is held, or in whose name it stands on the record.

Whenever growing crops have been attached under the provisions of this subdivision, which will greatly deteriorate in value unless properly cultivated, cared for, harvested, packed or sold, the court issuing such writ, upon application of the person in whose favor the writ runs, and with or without notice as the court directs to the owner of said property, may direct the sheriff to take possession of said property and to cultivate, care for and preserve the same and, when necessary, harvest, pack and sell such property. Any sale of such property shall be made in the same manner that property is sold under execution and the proceeds must be retained by the sheriff to be applied to the satisfaction of any judgment which may be recovered in the action in which said writ is issued. The court shall order said applicant to pay such expenses in advance if the court may deem it proper, or may direct that the whole or any part of such expenses be paid from the proceeds of any sale of such property.

3. Personal property, capable of manual delivery, in the possession of the defendant, must be attached by taking it into custody.

4. In cases where the sheriff, constable, or marshal is instructed to take into possession personal property capable of manual delivery, whether the same is to be placed in a warehouse or in custody of a keeper, the sheriff, constable or marshal shall require, as a prerequisite to the taking of such property, that in addition to written instructions the plaintiff or his attorney of record deposit with the sheriff, constable or marshal, a sum of money sufficient to pay the expenses of taking and keeping safely said property for a period not to exceed 15 days. In the event that a further detention of said property is required, the sheriff, constable or marshal must, from time to time, make written demand upon the plaintiff or his attorney for further deposits to cover estimated expenses for periods not to exceed five days each. Such demand must be served as provided in Section 1011 of this code, or by depositing such notice in the post office in a sealed envelope, as first-class registered mail, postage prepaid, addressed to the person on whom it is served at his last known office or place of residence. In the event that the money so demanded is not paid, the sheriff, constable or marshal shall release the property to the person or persons from whom the same was taken. There shall be no liability upon the part of the sheriff, constable or marshal to take or hold personal property unless the

provisions of this section shall have been fully complied with There shall be no liability upon the part of the sheriff, constable or marshal, either to the plaintiff or the defendant for loss by fire, theft, injury or damage of any kind to personal property capable of manual delivery while in the possession of the sheriff, constable or marshal either in a warehouse or in the custody of a keeper or en route to or from a warehouse unless the sheriff, constable or marshal shall be negligent in his care or handling of the property.

5. Debts and credits and other personal property not capable of manual delivery must be attached by leaving with the persons owing such debts, or having in his possession, or under his control, such credits and other personal property, or with his agent or, in the case of a corporation, with the president of the corporation, vice president, secretary, assistant secretary, cashier, or managing agent thereof, a copy of the writ, and, if the demand as stated in the writ does not exceed three hundred dollars ($300) exclusive of interest, attorney's fees and costs, a copy of the complaint in the action from which the writ issued, and, in every case, a notice that the debts owing by him to the defendant, or the credits and other personal property in his possession, or under his control, belonging to the defendant, are attached in pursuance of such writ; provided, that debts owing to defendant arising from personal services rendered at any time within 30 days next preceding the levy of attachment such attachment is subject to the provisions of Section 690.11 of the Code of Civil Procedure; provided, however, that debts owing to the defendant by any of the following financial institutions: (a) banks; (b) savings and loan associations; (c) title insurance companies or underwritten title companies (as defined in Section 12402 of the Insurance Code); (d) industrial loan companies (as defined in Section 18003 of the Financial Code), maintaining branch offices, or credits or other personal property whether or not the same is capable of manual delivery, belonging to the defendant and in the possession of or under the control of such financial institution must be attached by leaving a copy of the writ and the notice, together with a copy of the complaint if required hereunder, with the manager or other officer of such financial institution at the office or branch thereof at which the account evidencing such indebtedness of the defendant is carried, or at which such financial institution has credits or other personal property belonging to the defendant in its possession or under its control; and no attachment shall be effective as to any debt owing by such financial institution if the account evidencing such indebtedness is carried at an office or branch thereof not so served, or as to any credits or other personal property in its possession or under its control at any office or branch thereof not so served. Whenever wages have been attached under the provisions of this subdivision, the notice described above shall state the provisions of Section 690.11 of this code, and shall state that the debtor, to avail

himself of an exemption of more than one-half of his wages earned the preceding 30 days, must file an affidavit with the levying officer as provided in Section 690.26 of this code.

6. Checks, drafts, money orders and other orders for the withdrawal of money from a banking corporation or association, which are in the possession of and payable to the defendant or judgment debtor on demand, must be attached by taking the same into custody, and the sheriff, constable, or marshal, to whom the writ is directed and delivered, shall promptly thereafter endorse the same and present, or cause the same to be presented, for payment. The sheriff, constable, or marshal shall endorse such check, draft, money order or other order for the withdrawal of money by writing the name of the defendant or judgment debtor thereon and the name and official title of the officer making the levy with the statement that such endorsement is made pursuant to levy of writ of attachment or execution and giving the title of court and cause in which such writ was issued, and such endorsement shall be sufficient endorsement and no banking corporation or association on which said check, draft, money order or other order for the withdrawal of money is drawn shall incur any liability to any person, firm or corporation by reason of paying to such officer such check, draft, money order or other order for withdrawal of money by reason of such endorsement, nor shall the officer making the levy incur any liability by reason of his endorsing and presenting for and obtaining payment of such check, draft, money order or other order for the payment of money; provided, however, that the funds or credit resulting from the payment of such check, draft, money order or other order for withdrawal of money shall be held by said officer subject to the levy of said writ of attachment or execution. If it appear from the face of such check, draft, money order or other order for the withdrawal of money that the same has been tendered to the defendant or judgment debtor in satisfaction of a claim or demand and that endorsement thereof shall be considered a release and satisfaction by defendant or judgment debtor of such claim or demand, then, in such event, the officer making the levy shall not endorse said check, draft, money order or other order for the withdrawal of money unless the defendant or judgment debtor shall first endorse the same to the officer making the levy; provided, however, that if said defendant shall not endorse said check, draft, money order or other order for withdrawal of money to the officer making the levy, said officer may thereafter hold such check, draft, money order or other order for the withdrawal of money subject to such levy and shall incur no liability to the defendant or judgment debtor or to any other person, firm or corporation for delay in presentment of the same for payment.

SEC. 26 Section 726 of the Code of Civil Procedure is amended to read:

726. There can be but one form of action for the recovery of any debt, or the enforcement of any right secured by mortgage upon real property, which action must be in accordance with the provisions of this chapter. In such action the court may, by its judgment, direct the sale of the encumbered property (or so much thereof as may be necessary), and the application of the proceeds of the sale to the payment of the costs of court, and the expenses of the sale, and the amount due plaintiff, including, where the mortgage provides for the payment of attorney's fees, such sum for such fees as the court shall find reasonable, not exceeding the amount named in the mortgage.

The court may, by its judgment, or at any time after judgment, appoint a commissioner to sell the encumbered property. It must require of him an undertaking in an amount fixed by the court, with sufficient sureties, to be approved by the judge, to the effect that the commissioner will faithfully perform the duties of his office according to law. Before entering upon the discharge of his duties he must file such undertaking, so approved, together with his oath that he will faithfully perform the duties of his office.

The decree for the foreclosure of a mortgage or deed of trust secured by real property or any interest therein shall declare the amount of the indebtedness or right so secured and, unless judgment for any deficiency there may be between the sale price and the amount due with costs is waived by the judgment creditor, shall determine the personal liability of any defendant for the payment of the debt secured by such mortgage or deed of trust and shall name such defendants against whom a deficiency judgment may be ordered following the proceedings hereinafter prescribed. In the event of such waiver the decree shall so declare and there shall be no judgment for a deficiency. In the event that a deficiency is not waived and it is decreed that any defendant is personally liable for such debt, then upon application of the plaintiff filed at any time within three months of the date of the foreclosure sale and after a hearing thereon at which the court shall take evidence and at which hearing either party may present evidence as to the fair value of the property or the interest therein sold as of the date of sale, the court shall render a money judgment against such defendant or defendants for the amount by which the amount of the indebtedness with interest and costs of sale and of action exceeds the fair value of the property or interest therein sold as of the date of sale; provided, however, that in no event shall the amount of said judgment, exclusive of interest from the date of sale and of costs exceed the difference between the amount for which the property was sold and the entire amount of the indebtedness secured by said mortgage or deed of trust. Notice of such hearing must be served upon all defendants who have appeared in the action and against whom a deficiency judgment is sought, or upon their attorneys of record, at least 15 days before the date set for such hearing.

Upon application of any party made at least 10 days before the date set for such hearing the court shall, and upon its own motion the court at any time may, appoint one of the inheritance tax appraisers provided for by law to appraise the property or the interest therein sold as of the time of sale. Such appraiser shall file his appraisal with the clerk and the same shall be admissible in evidence. Such appraiser shall take and subscribe an oath to be attached to the appraisal that he has truly, honestly and impartially appraised the property to the best of his knowledge and ability. Any appraiser so appointed may be called and examined as a witness by any party or by the court itself. The court must fix the compensation, not to exceed $5 per day, and expenses for the time actually engaged in such appraisal, which may be taxed and allowed in like manner as other costs.

No person holding a conveyance from or under the mortgagor of the property mortgaged, or having a lien thereon, which conveyance or lien does not appear of record in the proper office at the time of the commencement of the action need be made a party to such action, and the judgment therein rendered, and the proceedings therein had, are as conclusive against the party holding such unrecorded conveyance or lien as if he had been a party to the action.

If the court appoint a commissioner for the sale of the property, he must sell it in the manner provided by law for the sale of like property by the sheriff upon execution; and the provisions of Chapter 1, Title 9, Part 2, of this code are hereby made applicable to sale made by such commissioner, and the powers therein given and the duties therein imposed on sheriffs are extended to such commissioner.

In all cases heretofore, now or hereafter pending in the courts of this State, in the event of the death, absence from the State, other disability or disqualification of the commissioner appointed to sell encumbered property under the foregoing provisions of this section, the court may, upon the happening of either the death, absence from the State, other disability or disqualification of the commissioner, appoint an elisor to perform the duties of such commissioner which are then to be performed in such action. The elisor so appointed shall give the undertaking, and take the oath hereinbefore provided to be given and taken by a commissioner, before entering upon the discharge of his duties, and shall thereafter perform all duties left unperformed by the commissioner whom he is appointed to succeed, with like effect as if such duties had been performed by the commissioner.

If the land mortgaged consists of a single parcel, or two or more contiguous parcels, situated in two or more counties, the court may, in its judgment, direct the whole thereof to be sold in one of such counties by the sheriff, commissioner or elisor, as the case may be, and upon such proceedings, and with like effect, as if the whole of the property were situated in that county.

SEC. 27. Section 1973a of the Code of Civil Procedure is repealed.

SEC. 28. Section 2404 of the Corporations Code is amended to read:

2404. Subject to Sections 1300 to 1303, inclusive, relative to shareholders' subscription liability, and to Section 2704, relative to transfer of shares subject to lien, and to Section 8103 of the Uniform Commercial Code, no restriction of the right to transfer shares stated in the articles or bylaws, no power of assessment, and no lien on shares for assessments or for the unpaid subscription price or other lien in favor of the corporation, is effective against a transferee of the shares unless stated on the face of the certificate.

SEC. 29. Section 2408 of the Corporations Code is repealed

SEC. 30. Section 2409 of the Corporations Code is repealed.

SEC. 31. Section 2410 of the Corporations Code is repealed.

SEC. 32. Section 2411 of the Corporations Code is repealed.

SEC. 33. Section 2412 of the Corporations Code is repealed.

SEC. 34. Article 2 (commencing at Section 2450) of Chapter 2 of Part 5 of Division 1 of Title 1 and Division 5 (commencing at Section 30000) of Title 4 of the Corporations Code are repealed.

SEC. 35. Section 950 of the Financial Code is repealed

SEC. 36. Section 951 of the Financial Code is repealed.

SEC. 37. Article 3 (commencing at Section 990) and Article 4 (commencing at Section 1010) of Chapter 8 of Division 1 of the Financial Code are repealed.

SEC. 38. Chapter 12.5 (commencing with Section 560) is added to Title 13, Part 1, of the Penal Code, to read:

CHAPTER 12.5 CRIMES INVOLVING BAILMENTS

560. Any bailee, as defined in Section 7102 of the Uniform Commercial Code, who issues or aids in issuing a document of title, or any person who secures the issue by a bailee of a document of title, or any person who negotiates or transfers for value a document of title knowing that the goods for which such document is issued have not been actually received by such bailee or are not under his control at the time of issuing such receipt shall be guilty of a crime and upon conviction shall be punished for each offense by imprisonment not exceeding five years or by a fine not exceeding five thousand dollars ($5,000) or by both.

560.1. Any bailee, as defined in Section 7102 of the Uniform Commercial Code, who fraudulently issues or aids in fraudulently issuing a receipt for goods knowing that it contains any false statement shall be guilty of a crime and upon conviction shall be punished for each offense by imprisonment not exceeding one year or by a fine not exceeding one thousand dollars ($1,000) or by both.

560.2. Any bailee, as defined in Section 7102 of the Uniform Commercial Code, who delivers goods out of the posses-

sion of such bailee knowing that a negotiable document of title the negotiation of which would transfer the right to the possession of such goods is outstanding and uncanceled without obtaining possession of such document at or before the time for such delivery shall, except for the cases in Sections 7210, 7308, 7601 and 7602 of the Uniform Commercial Code, be guilty of a crime and upon conviction shall be punished for each offense by imprisonment not exceeding one year or by a fine not exceeding one thousand dollars ($1,000) or by both.

560.3. Any person who deposits goods with a bailee, as defined in Section 7102 of the Uniform Commercial Code, to which he has not title or upon which there is a security interest and who takes for such goods a negotiable document of title which he afterwards negotiates for value with intent to deceive and without disclosing his want of title or the existence of the security interest shall be guilty of a crime, and upon conviction shall be punished for such offense by imprisonment not exceeding one year or by a fine not exceeding one thousand dollars ($1,000) or by both.

560.4. Any bailee, as defined in Section 7102 of the Uniform Commercial Code, who issues or aids in issuing a duplicate or additional negotiable document of title for goods knowing that a former negotiable document of title for the same goods or any part of them is outstanding and uncanceled without plainly placing upon the face thereof the word "duplicate," except in cases of bills in a set and documents issued as substitutes for lost, stolen or destroyed documents, shall be guilty of a crime and upon conviction shall be punished for each offense by imprisonment not exceeding five years or by a fine not exceeding five thousand dollars ($5,000) or by both.

560.5. Where there are deposited with or held by a warehouseman goods of which he is owner either solely or jointly or in common with others such warehouseman or any of his officers, agents, or servants who knowing of this ownership issues or aids in issuing a negotiable document of title for such goods which does not state such ownership, shall be guilty of a crime and upon conviction shall be punished for each offense by imprisonment not exceeding one year or by a fine not exceeding one thousand dollars ($1,000) or by both.

560.6. (1) A corporation, firm, or person, and its or his agents or employees shall not issue, sell, pledge, assign, or transfer in this State any receipt, certificate, or other written instrument purporting to be a warehouse receipt, or in the similitude of a warehouse receipt, or designed to be understood as a warehouse receipt, for goods, wares, or merchandise stored or deposited, or claimed to be stored or deposited, in any warehouse, public or private, in any other state, unless such receipt, certificate, or other written instrument has been issued by the warehouseman operating such warehouse.

(2) A corporation, firm, or person, and its or his agents or employees shall not issue, sell, pledge, assign, or transfer in

this State any receipt, certificate, or other written instrument for goods, wares, or merchandise claimed to be stored or deposited, in any warehouse, public or private, in any other state, knowing that there is no such warehouse located at the place named in such receipt, certificate, or other written instrument, or if there is a warehouse at such place knowing that there are no goods, wares, or merchandise stored or deposited therein as specified in such receipt, certificate, or other written instrument.

(3) A corporation, firm, or person, and its or his agents or employees shall not issue, sign, sell, pledge, assign, or transfer in this State any receipt, certificate, or other written instrument evidencing, or purporting to evidence, the creation of a security interest in, or sale, or bailment, of any goods, wares, or merchandise stored or deposited, or claimed to be stored or deposited, in any warehouse, public or private, in any other state, unless such receipt, certificate, or other written instrument plainly designates the number and location of such warehouse and contains a full, true, and complete copy of the receipt issued by the warehouseman operating the warehouse in which such goods, wares, or merchandise is stored or deposited, or is claimed to be stored or deposited. This section shall not apply to the issue, signing, sale, pledge, assignment, or transfer of bona fide warehouse receipts issued by the warehouseman operating public or bonded warehouses in other states according to the laws of the state in which such warehouses are located.

(4) Every corporation, firm, person, agent, or employee, who knowingly violates any of the provisions of this section is guilty of a misdemeanor, and shall be fined not less than fifty dollars ($50) nor more than one thousand dollars ($1,000), and may in addition be imprisoned in the county jail for not exceeding six months.

SEC. 39. Section 28 of the Vehicle Code is amended to read:

28. Whenever possession is taken of any vehicle by or on behalf of any legal owner thereof under the terms of a security agreement or lease agreement, the person taking possession shall, within 24 hours thereafter, notify the city police department where such taking of possession occurred, if within an incorporated city, or the sheriff's department of the county where such taking of possession occurred, if outside an incorporated city.

SEC. 40. Section 370 of the Vehicle Code is amended to read:

370. A "legal owner" is a person holding a security interest in a vehicle which is subject to the provisions of the Uniform Commercial Code, or the lessor of a vehicle to the State or to any county, city, district, or political subdivision of the State, under a lease, lease-sale, or rental-purchase agreement which grants possession of the vehicle to the lessee for a period of 30 consecutive days or more.

SEC. 41. Section 460 of the Vehicle Code is amended to read:

460. An "owner" is a person having all the incidents of ownership, including the legal title of a vehicle whether or not such person lends, rents, or creates a security interest in the vehicle; the person entitled to the possession of a vehicle as the purchaser under a security agreement; or the State, or any county, city, district, or political subdivision of the State, when entitled to the possession and use of a vehicle under a lease, lease-sale, or rental-purchase agreement for a period of 30 consecutive days or more.

SEC. 42. Section 4157 of the Vehicle Code is amended to read:

4157. In the absence of the regularly required supporting evidence of ownership upon application for registration or transfer of a vehicle, the department may accept an undertaking or bond which shall be conditioned to protect the department and all officers and employees thereof and any subsequent purchaser of the vehicle, any person acquiring a lien or security interest thereon, or the successor in interest of such purchaser or person against any loss or damage on account of any defect in or undisclosed claim upon the right, title, and interest of the applicant or other person in and to the vehicle.

SEC. 43. Section 5601 of the Vehicle Code is amended to read:

5601. Section 5600 does not apply to involuntary transfers, as upon the taking of possession by a secured party under a security agreement, or to transfers involving the creation of security interests subject to Chapter 3, commencing at Section 6300.

SEC. 44. Section 5604 of the Vehicle Code is amended to read:

5604. Every dealer who, upon transferring by sale, lease, or otherwise, any new or used vehicle of a type subject to registration, requires the transferee to insure the vehicle, and every lending agency which, as the holder of any security interest in any such vehicle, requires its obligor to insure the vehicle, shall, if the required insurance policy is obtained by the dealer or lending agency and the policy does not insure the transferee or obligor against damages resulting from the ownership or operation of the vehicle arising by reason of personal injury to or the death of any person, or from injury to property, notify the transferee or obligor of such fact in writing on a document other than the insurance policy, but the notice need not be given if the insurance is obtained by the dealer or lending agency because of the failure or refusal of the transferee or debtor to furnish insurance or to renew insurance in accordance with the terms of the contract of sale or security agreement.

SEC. 45. Section 5905 of the Vehicle Code is amended to read:

5905. When a security interest upon a registered vehicle is satisfied, canceled, or released by the parties thereto duly registered as owner and legal owner respectively and thereafter within a period of 10 days a new security agreement covering the vehicle is executed between the same parties, no application for transfer of registration by reason thereof shall be made and no new certificate of ownership or registration card shall be issued, and all provisions of this code relating to transfers of any title or interest in a vehicle and the registration of the transfers shall be deemed to have been fully complied with, and the new security agreement shall be deemed perfected at the time the new security agreement is executed.

SEC. 46. Section 5907 of the Vehicle Code is amended to read:

5907. A secured party who holds a security interest in a registered vehicle which constitutes inventory as defined in the Uniform Commercial Code, who has possession of the certificate of ownership issued for such vehicle, if the certificate of ownership has been issued, need not make application for a transfer of registration and the Uniform Commercial Code shall exclusively control the validity and perfection of such security interest.

SEC. 47. Section 5908 of the Vehicle Code is amended to read:

5908. The transferee of a security interest in a registered vehicle need not make application for a transfer of registration when the interest of such transferee arises from a transfer of a security agreement or a lease agreement by the legal owner to the transferee to secure payment or performance of an obligation, and the Uniform Commercial Code shall exclusively control the validity and perfection of such a security interest.

SEC. 48. Section 6300 of the Vehicle Code is amended to read:

6300. Except as provided in Sections 5905, 5907 and 5908, no security interest in any vehicle registered under this code, irrespective of whether such registration was effected prior or subsequent to the creation of such security interest is perfected until the secured party or his successor or assignee has deposited with the department, at its office in Sacramento, or at any other office as may be designated by the director, a properly endorsed certificate of ownership to the vehicle subject to the security interest showing the secured party as legal owner if the vehicle is then registered under this code, or, if the vehicle is not so registered, an application in usual form for an original registration, together with an application for registration of the secured party as legal owner, and upon payment of the fees as provided in this code.

SEC. 49. Section 6301 of the Vehicle Code is amended to read:

6301. When the secured party, his successor or assignee, has deposited with the department a properly endorsed certi-

ficate of ownership showing the secured party as legal owner or an application in usual form for an original registration, together with an application for registration of the secured party as legal owner, the deposit constitutes perfection of the security interest and the rights of all persons in the vehicle shall be subject to the provisions of the Uniform Commercial Code, but the vehicle subject to the security interest shall be subject to a lien for services and materials as provided in Chapter 6 5 of Title 14 of Part 4 of Division 3 of the Civil Code, commencing at Section 3068.

SEC. 50. Section 6302 of the Vehicle Code is amended to read:

6302. Upon the deposit of an application for registration of a secured party as legal owner and upon the payment of the fees as provided in this code, the department shall register the secured party, his successor or assignee as legal owner in the manner provided for the registration of motor vehicles under the provisions of this chapter.

SEC. 51. Section 6303 of the Vehicle Code is amended to read:

6303. Except as provided in Sections 5905, 5907 and 5908, the method provided in this chapter for perfecting a security interest on a vehicle registered under this code is exclusive, but the effect of such perfection, and the creation, attachment, priority and validity of such security interest shall be governed by the Uniform Commercial Code.

SEC. 52. This act shall take effect on January 1, 1965

CHAPTER 820

An act to amend Sections 10060 and 10575.2 of the Health and Safety Code, relating to vital statistics.

[Approved by Governor June 8, 1963. Filed with Secretary of State June 8, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 10060 of the Health and Safety Code is amended to read:

10060. Each local registrar of births and deaths, except a local registrar of a city and county and the local registrars of cities of over 1,000,000 population, shall transmit to the county recorder for a special county record at the same time the original certificates are forwarded to the State Registrar a copy of each original birth certificate, which shall exclude the medical and health section data, and a full copy of each original death certificate.

In lieu of the procedure outlined above in this section, the county recorder may make the copies of certificates for the special county record, in which case the original certificates

shall be transmitted by the local registrar to the county recorder for this purpose, after which the county recorder shall forward the original certificates to the State Registrar pursuant to Section 10061.

SEC. 2. Section 10575.2 of the Health and Safety Code, as enacted by Chapter 176, Statutes of 1963, is amended to read:

10575.2. Upon application of a parent, the local registrar or county recorder shall request a copy of a new birth certificate amended under the provisions of Articles 4, 5, 6 and 7 of Chapter 8, Division 9, of this code, from the State Registrar. When such a request is received, the State Registrar shall send a copy of such new certificate to the local registrar or county recorder who shall then issue certified copies from such document. The copy of the new certificate returned to the local registrar or county recorder under this procedure shall be filed in the same manner as the copies of other certificates representing births which occurred during the same time period.

CHAPTER 821

An act authorizing the Department of Parks and Recreation, Division of Beaches and Parks, to exchange property belonging to the State for property belonging to the Santa Cruz Port District.

[Approved by Governor June 8, 1963. Filed with Secretary of State June 8, 1963.]

The people of the State of California do enact as follows:

SECTION 1. The Department of Parks and Recreation, Division of Beaches and Parks, is authorized to convey to the Santa Cruz Port District all right, title and interest of the State in and to certain parcels of land located in the Twin Lakes Beach State Park in the City of Santa Cruz herein designated as Parcel 1, in exchange for and upon there being conveyed to the State by the Santa Cruz Port District all right, title and interest of the Santa Cruz Port District in property belonging to that district herein designated as Parcels 2, 3, 4, and 5.

The state lands authorized to be conveyed by this act are more particularly described as follows:

Parcel 1: that parcel of land lying in Sec. 18, T 11 S, R 1 W, M.D.B. & M., situate in the City of Santa Cruz, Santa Cruz County, State of California, and further described as follows:

Beginning at an iron pipe at the Southwest corner of Lot 4, of the lands of Oliver J. and Florence B. Lee, as said lot is shown and designated on the Map entitled "Record of Survey Map of Part of East Boundary of City of Santa Cruz," filed

for record January 3, 1955, in Volume 32 of Maps at page 42, Santa Cruz County Records; thence from said point of beginning South 14°48′ East 121.37 feet to a point; thence North 85°30′ East 100 feet to a point on the Northeasterly corner of the lands of H. Hyland Hinman and Helen S. Hinman, thence South 2°14′46″ West 42.61 feet to the Southeast corner of the lands of H. H. Hinman; thence North 86° East 51.51 feet more or less to the Northeast corner of the lands of Sue W. Otterson, thence South 21°43′24″ West 45.03 feet to the Southeast corner of the lands of Sue Otterson, thence North 86°30′00″ East 48.0 feet to a point, thence North 5° 25′ 09″ West 206.79 feet to a point which lies North 84° 30′ East 193.00 feet from the Southwest corner of the lands of Oliver J. Lee and Florence B. Lee, thence South 84°30′ West 193.00 feet to the point of beginning and containing 26,978 square feet, or 0.619 acres.

The lands of the Santa Cruz Port District authorized to be conveyed by this act to the State are more particularly described as follows:

Parcel 2: that parcel of land lying in Sec. 19, T 11 S, Range 1 W., M.D.B. & M., situate in the City of Santa Cruz, Santa Cruz County, State of California, and lying on the West side of Santa Cruz Harbor, including a portion of the lands formerly known as East Cliff Drive, and further described as follows:

Beginning at the southwest corner of Parcel 2 of the lands conveyed to the Santa Cruz Port District by the City of Santa Cruz by quit claim deed recorded December 13, 1961, in Vol. 1441 of Official Records at page 530, Santa Cruz County Records which point bears N 78°01′ W 114 83 feet from the southeast corner of land described in Par. 2 of Deed to City of Santa Cruz recorded December 7, 1944, Vol. 486 of Official Records at page 468, Serial No. 12919, as shown on the Record of Survey Map of part of East Boundary of City of Santa Cruz filed January 3, 1955, in Vol. 32 of Maps at page 42, Santa Cruz County Records; thence from said point of beginning, S. 78°01′ E 50.86 feet to a point on the west edge of water on the Santa Cruz Harbor channel, thence N 5°31′40″ W 154.41 feet along said edge of water to a point, thence leaving the edge of water N 62°09′10″ W 124.94 feet to a point shown as the most northerly corner of lands described in Parcel 1 of Deed to City of Santa Cruz recorded December 7, 1944, in Vol. 486 of Official Records, page 468, Serial No 12919, as shown on the Record of Survey Map of part of east boundary of City of Santa Cruz filed January 3, 1955, in Vol. 32 of maps at page 42 Santa Cruz County Records; thence S 20°28′ W 11.30 feet to an iron pipe, thence S 45°18′ E 87.73 feet to a point, thence S 25°11′ W 60.67 feet thence S 69°30′ E 38.49 feet to a point thence S 6°30′ E 61.31 feet to the point of beginning and containing 11,051 square feet or 0.254 acres, more or less.

Parcel 3: that parcel of land lying partly in Section 19 and partly in Section 20 T 11 S, R 1 W, M.D.B. & M. situate in the City of Santa Cruz, Santa Cruz County, State of California, a portion of East Cliff Drive lying between the east shoreline of Santa Cruz Harbor and the southerly projection of the westerly boundary of 5th Avenue.

Beginning at a point in East Cliff Drive, which lies on the former south-westerly boundary of the lands of Forgeus, et al, and delineated as land of Strand, et al, on that Record of Survey Map of a "Part of the East Boundary of the City of Santa Cruz," recorded January 3, 1955, in Volume 32 of Maps, at page 42, in the office of the County Recorder of Santa Cruz County.

Said point of beginning also described as bearing South 28°51'50" East a distance of 105.13 feet from a 3 inch by a 3 inch post painted white, shown as "found" on the before-mentioned Record of Survey Map.

Said point of beginning further described as bearing North 88°37'27" West a distance of 96.21 feet from a 4 inch by 4 inch white post on the section line between sections 19 and 20 and marked "Sec. Line" on the East and West sides, and "R.W." on the North and South sides; thence South 57°17' East a distance of 276.86 feet to a point on the southerly projection of the westerly boundary of 5th Avenue; thence N 6°23'40" E 48.61 feet to a point; thence N 62°09'10" W. 383.63 feet to a point on the shoreline of the East Jetty of Santa Cruz Harbor; thence S 27°50'50" W 65.24 feet along said shoreline to a point; thence S 62°09' E 233.41 feet to a point; thence curving to the right from a tangent which bears North 53°58'26" West through an angle of 6°56'36" with a radius of 295 feet a distance of 35.75 feet to a station; thence North 47°01'50" West a distance of 31.01 feet to the before-mentioned Southwesterly boundary of Forgeus; thence along said boundary N 28°51'50" W a distance of 51.38 feet to the point of beginning, and containing 18,753 square feet, or 0.430 acres.

Parcel 4: that parcel of land lying in Section 19 T 11 S, R 1 W, M.D.B. & M., situate in the City of Santa Cruz, Santa Cruz County, State of California, a portion of the lands formerly known as East Cliff Drive, now lying wholly or in part under water, between the East and West shore line of the Santa Cruz Harbor, and further described as follows:

Beginning at the Southeast corner of lands described in Parcel 2 of the deed to the City of Santa Cruz, recorded December 7, 1944, in Vol. 486 of the Official Records at page 468, Serial No. 12919; thence from said point of beginning N 9°30' W 12.58 feet to a point; thence S 62°09' E 285.00 feet more or less to a point on the shoreline of the east jetty of Santa Cruz Harbor; thence N 27°50'50" E 65.24 feet along the shoreline to a point; thence leaving said shoreline N 62°09'10" W 306.15 feet more or less to a point; thence N 27°50'50" E 36.22 feet to a point; thence N 62°09'10" W

117.68 feet to a point on the edge of water on the west side of Santa Cruz Harbor; thence S 5°31'40" E 154.41 feet along the edge of water to a point; thence S 78°01' E 63.97 feet to the point of beginning, and containing 29,886 square feet, or 0.686 acres, more or less.

Parcel 5: that parcel of land lying in Section 20, T 11 S, R 1 W, M.D.B. & M., situate in the City of Santa Cruz, Santa Cruz County, State of California, a portion of East Cliff Drive lying adjacent to the southerly projection of the westerly boundary of 5th Avenue, and more particularly described as follows:

Beginning at a point on the Southerly projection of the Westerly boundary of 5th Avenue, which point bears south 40°22'48" E. 209.28 feet from a 4 x 4 white post on the Sec. Line between Sections 19 and 20, which post is marked "Sec. Line" on the east and west faces and marked "R.W." on the north and south faces, which post is also shown on the Record of Survey Map of part of East Boundary of City of Santa Cruz, filed January 3, 1955, in Vol. 32 of Maps at page 42, in the Official Records for the County of Santa Cruz; thence from said point of beginning North 68°8'4" West 86.73 feet to a point; thence South 62°09' East 89.82 feet to a point on the Southerly projection of the Westerly boundary of 5th Avenue; thence North 6°23'40" East 9.72 feet to the point of beginning, and containing 525.00 square feet, or 0.012 acres.

The exchange authorized by this act shall be made only if the Department of Parks and Recreation finds: (a) that the property to be conveyed to the State is as suitable for park purposes as that conveyed to the district, (b) that the property to be conveyed to the State by the Santa Cruz Port District is comparable in value to that which is to be conveyed to the district, and (c) that the exchange will be made upon such terms and conditions as will be for the best interests of the State.

CHAPTER 822

An act to amend Sections 1299.18 and 1299.19 of the Agricultural Code, relating to processors of farm products.

[Approved by Governor June 8, 1963. Filed with Secretary of State June 8, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 1299.18 of the Agricultural Code is amended to read:

1299.18 Definitions. As used in this chapter:

(a) The term "person" includes any individual, firm, association, partnership or corporation.

(b) The term "producer" designates any person engaged in the business of growing or producing any farm product.

(c) The term "farm products" includes all agricultural, horticultural, viticultural and vegetable products of the soil, honey and beeswax, oilseeds, poultry, and poultry products, but shall not include timber and timber products, milk and milk products.

(d) The term "processor" means any person engaged in the business of processing, or manufacturing farm products, who solicits, buys, contracts to buy, or otherwise takes title to or possession or control of, farm products from the producer thereof for the purpose of processing or manufacturing the same and selling, reselling or redelivering the same in dried, canned, extracted, fermented, distilled, frozen, or other preserved or processed form.

Retail merchants having a fixed or established place of business in this State shall not be included within the term "processor"; provided, however, that such exemption shall apply only to retail merchants who do not also sell at wholesale farm products processed or manufactured by them.

(e) The term "agent" designates any person who on behalf of any processor contracts for or solicits any farm product from a producer thereof, or who negotiates the purchase of any farm product on behalf of any processor.

(f) The term "lender" includes any individual, firm, association, partnership or corporation who advances new value to a processor.

(g) The term "new value" includes new advances or loans, whether in money or other property, made by a lender to a processor, but shall not be construed to include extensions or renewals of existing obligations of the processor, nor obligations substituted for such existing obligations.

SEC. 2. Section 1299.19 of said code is amended to read:

1299.19. In all cases where farm products are sold to and purchased by processors on the basis of weight, such products shall be weighed by a weighmaster licensed under the laws of this State, and a certificate as to such weight issued by him shall be delivered to the seller by the processor or by the weighmaster as agent for the processor. Settlement for such product shall be made on the basis of the weight shown on the certificate.

CHAPTER 823

An act to amend Section 4229 of the Business and Professions Code, relating to dangerous drug prescriptions.

[Approved by Governor June 8, 1963. Filed with Secretary of State June 8, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 4229 of the Business and Professions Code is amended to read:

4229. No prescription for any dangerous drug may be refilled except upon authorization of the prescriber which may be given orally or at the time of giving the original prescription. No prescription for any dangerous drug defined in subsections (a) and (c) of Section 4211 may be designated refillable as needed.

CHAPTER 824

An act to amend Sections 1227 and 1413 of the Financial Code, relating to loan limits for banks.

[Approved by Governor June 8, 1963. Filed with Secretary of State June 8, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 1227 of the Financial Code is amended to read:

1227. A commercial bank may lend on the security of a first lien on real property or a first lien on a leasehold under a lease which does not expire, or which has been extended or renewed so that it does not expire, for at least 10 years beyond the maturity date of the loan, if:

(a) The term of the loan does not exceed 10 years and the amount does not exceed 60 percent of the sound market value of the property or leasehold, together with the improvements located on the property which are made subject to the lien, as determined by proper appraisal; or

(b) The term of the loan does not exceed 20 years, is repayable in substantially equal installments not less often than monthly, with payments commencing not later than 60 days from the date of the loan or, in the case of a construction loan, commencing not later than one year from the date of the loan, and the amount does not exceed 75 percent of the sound market value of the property or leasehold, together with the improvements located on the property which are made subject to the lien, as determined by proper appraisal; or

(c) The loan is on a farm or productive agricultural lands, the term does not exceed 20 years, is repayable in substantially equal installments not less often than annually, and the amount does not exceed 75 percent of the sound market value of the property or leasehold, together with the improvements located on the property which are made subject to the lien, as determined by proper appraisal; or

(d) The term of the loan does not exceed six months and the amount does not exceed 85 percent of the sound market value of the property or leasehold, together with the improvements located on the property which are made subject to the lien, as determined by proper appraisal; or

(e) The term of the loan does not exceed 18 months if secured by a lien on farm or single family residential prop-

erty, or 36 months if secured by a lien on other property, the amount does not exceed 85 percent of the sound market value of the property or leasehold, together with the improvements located on the property which are made subject to the lien, as determined by proper appraisal, and the loan is for the purpose of financing building operations under a plan providing for payment of the loan or providing for refinancing by loans otherwise permitted by this chapter.

A commercial bank may make a loan without regard to the above restrictions when necessary to facilitate the sale of real property owned by the bank.

SEC. 2. Section 1413 of said code is amended to read:

1413. A savings bank may lend on the security of a first lien on real property or a first lien on a leasehold under a lease which does not expire, or which has been extended or renewed so that it does not expire, for at least 10 years beyond the maturity date of the loan, if:

(a) The term of the loan does not exceed 10 years and the amount does not exceed 60 percent of the sound market value of the property or leasehold, together with the improvements located on the property which are made subject to the lien, as determined by proper appraisal; or

(b) The term of the loan does not exceed 20 years, is repayable in substantially equal installments not less often than monthly, with payments commencing not later than 60 days from the date of the loan or, in the case of a construction loan, commencing not later than one year from the date of the loan, and the amount does not exceed 75 percent of the sound market value of the property or leasehold, together with the improvements located on the property which are made subject to the lien, as determined by proper appraisal; or

(c) The loan is on a farm or productive agricultural lands, the term does not exceed 20 years, is repayable in substantially equal installments not less often than annually, and the amount does not exceed 75 percent of the sound market value of the property or leasehold, together with the improvements located on the property which are made subject to the lien, as determined by proper appraisal; or

(d) The term of the loan does not exceed 18 months if secured by a lien on farm or single family residential property, or 36 months if secured by a lien on other property, the amount does not exceed 85 percent of the sound market value of the property or leasehold, together with the improvements located on the property which are made subject to the lien, as determined by proper appraisal and the loan is for the purpose of financing building operations under a plan providing for payment of the loan or providing for refinancing by loans otherwise permitted by this chapter.

A savings bank may make a loan without regard to the above restrictions when necessary to facilitate the sale of real property owned by the bank.

CHAPTER 825

An act to add Sections 6450.1, 6450.2, 6450.3, 6450.4, and 9207, to amend Sections 6451, 6452, and 6454, and to repeal Section 6462, of the Financial Code, relating to savings and loan associations.

[Approved by Governor June 8, 1963. Filed with Secretary of State June 8, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 6450.1 is added to the Financial Code, to read:

6450.1. No subscriptions or funds from proposed stockholders of any proposed association, prior to its incorporation and prior to a decision by the commissioner on its application for approval of its articles of incorporation, may be solicited or taken until a verified application for an organizing permit has been filed and a permit has been issued by the commissioner authorizing such subscription or collection of funds, and then only in accordance with the terms of such permit.

SEC. 2. Section 6450.2 is added to said code, to read:

6450.2. The application for an organizing permit under Section 6450.1 shall be in writing, verified as provided in the Code of Civil Procedure for the verification of pleadings, and shall be filed in the office of the commissioner. Such application shall be signed by the proposed incorporators and shall include the following:

(a) The names and addresses of its proposed directors, officers and incorporators, to the extent known.

(b) The proposed location of its office.

(c) A copy of any contract proposed to be used for the solicitation of stock subscriptions and funds for its preincorporation expenses.

(d) A copy of any advertisement, circular or other written matter proposed to be used for soliciting stock subscriptions and funds for its preincorporation expenses.

(e) A statement of the total funds proposed to be solicited and collected prior to incorporation and an itemized estimate of the preincorporation expenses proposed to be paid.

(f) A list of the names and addresses and amounts of each of the known proposed stockholders and contributors to the fund for preincorporation expenses.

(g) Such additional information as the commissioner may require.

SEC. 3. Section 6450.3 is added to said code, to read:

6450.3. The commissioner may impose conditions in his organizing permit issued under Section 6450.1 concerning the deposit in escrow of funds collected pursuant to said permit, the manner of expenditure of such funds, and such other conditions as he deems reasonable and necessary or advisable for

the protection of the public and the subscribers to such stock or funds for preincorporation expenses.

SEC. 4. Section 6450.4 is added to said code, to read:

6450.4. No issued and outstanding stock of an association shall be sold or offered for sale to the public, nor shall subscriptions be solicited or taken for such sales, until the association or the selling stockholders have applied for and secured from the commissioner a permit authorizing the sale of the guarantee stock.

This section shall not apply to an offering involving less than 10 percent of the issued and outstanding guarantee stock of an association and less than $500,000, nor to an offering made under a registration statement filed under the Securities Act of 1933.

SEC. 5. Section 9207 is added to said code, to read:

9207. The effective date of a merger or consolidation under this article shall be the date of the filing with the commissioner of a copy of the approved agreement of merger or consolidation certified by the Secretary of State. The commissioner shall promptly notify the Secretary of State of the date of filing of such documents.

SEC. 6. Section 6451 of said code is amended to read:

6451. An application for a permit to sell guarantee stock shall be in writing, verified as provided in the Code of Civil Procedure for the verification of pleadings, and shall be filed in the office of the commissioner by the association or the selling stockholders. The application shall include the following:

(a) Regarding the association

(1) The names and addresses of its officers.

(2) The location of its office.

(3) An itemized account of its financial condition within 90 days of the filing date.

(4) A copy of all minutes of any proceedings of its directors, shareholders, or stockholders relating to or affecting the issue of such stock.

(b) Regarding the offering

(1) The names and addresses of the selling stockholders and of the officers of any selling corporation and the partners of any selling partnership.

(2) A copy of any contract concerning the sale of the stock.

(3) A copy of a prospectus or advertisement or other description of the stock prepared for distribution or publication in accordance with requirements prescribed by the commissioner.

(4) A brief description of the method by which the stock is to be offered for sale, including the offering price and the underwriting commissions and expense, if any.

(c) Such additional information as the commissioner may require.

SEC. 7. Section 6452 of said code is amended to read:

6452. Upon the filing of the application for a permit to sell guarantee stock, the commissioner shall examine the applica-

tion and other papers and documents filed therewith, and he may make a detailed examination, audit, and investigation of the association and its affairs. If the commissioner finds that the proposed plan for the issue and sale of such stock is fair, just, and equitable the commissioner shall issue to the applicant a permit authorizing it to issue and dispose of its stock in such amounts and for such considerations and upon such terms and conditions as the commissioner may provide in the permit. If the commissioner does not so find, he shall deny the application and notify the applicant in writing of his decision.

SEC. 8. Section 6454 of said code is amended to read:

6454. With respect to sales of guarantee stock by an association, the commissioner may impose conditions requiring the impoundment of the proceeds from the sale of guarantee stock, limiting the expense in connection with the sale of such stock, and other conditions as he deems reasonable and necessary or advisable to insure the disposition of the proceeds from the sale of such stock in the manner and for the purposes provided in the permit.

SEC. 9. Section 6462 of said code is repealed.

CHAPTER 826

An act to amend Section 5302 of the Education Code, relating to admission to first grade.

[Approved by Governor June 8, 1963. Filed with Secretary of State June 8, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 5302 of the Education Code is amended to read:

5302. A child who has been lawfully admitted to the public school kindergarten as defined by the State of California, in California or any other state, and who has completed one year therein shall be admitted to the first grade of an elementary school regardless of age.

A child who has been lawfully admitted to a public school kindergarten in California and who is judged by the administration of the school district, in accordance with rules and regulations adopted by the State Board of Education, to be ready for first-grade work may be admitted to the first grade at the discretion of the school administration of the district and with the consent of the child's parent or guardian regardless of age.

Where a child has been legally enrolled in the public schools of another district within or out of the State, he may be admitted to school and placed in the grade of enrollment in the district of former attendance, at the discretion of the school administration of the district entered.

No child shall be admitted to the first grade of an elementary school pursuant to this section unless the child is at least five years of age.

CHAPTER 827

An act to amend Section 27903 of the Vehicle Code, relating to cargo signs on commercial vehicles.

[Approved by Governor June 8, 1963. Filed with Secretary of State June 8, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 27903 of the Vehicle Code is amended to read:

27903. No person shall operate any vehicle transporting any explosive substance or poisonous gases, or any tank vehicle as defined in Section 34004, either loaded or empty, or any vehicle transporting more than 120 gallons of flammable liquids or liquefied petroleum gases in containers having a capacity of more than 20 gallons as a cargo or major portion of a cargo unless at the time of such transportation there is displayed upon each side and the rear of the exterior of the vehicle a sign upon which shall appear the word "explosives," or "poisonous gases," or "flammables," whichever may correctly designate the cargo, in letters not less than 3 inches in height upon a background of sharply contrasting color.

The use of signs to designate radioactive materials shall be in accordance with regulations adopted pursuant to Chapter 7.3 (commencing with Section 25650) of Division 20 of the Health and Safety Code.

CHAPTER 828

An act to amend Section 22452 of the Vehicle Code, relating to certain vehicles stopping at railroad crossings.

[Approved by Governor June 8, 1963. Filed with Secretary of State June 8, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 22452 of the Vehicle Code is amended to read:

22452. (a) The provisions of this section shall apply to the operation of the following vehicles:

Any motor vehicle carrying passengers for hire.

Any motor truck transporting employees in addition to those riding in the cab.

Any bus transporting employees.

Any schoolbus carrying any schoolchild.

Any bus transporting minors on any outing organized on a group basis.

Any vehicle carrying explosive substances as a cargo or part of a cargo.

Any tank vehicle as defined in Section 34004 whether loaded or empty.

Any vehicle transporting more than 120 gallons of flammable liquids or liquefied petroleum gas in containers having a capacity of more than 20 gallons as a cargo or major portion of a cargo.

(b) Before traversing a grade crossing of a railway, or electric railway, the driver of any vehicle described in subdivision (a) shall stop such vehicle not less than 10 nor more than 50 feet from the nearest rail of the track and while so stopped shall listen, and look in both directions along the track, for any approaching train, interurban car, or other vehicle using such rails. The vehicle shall remain standing while any train is moving toward the crossing and is close enough to constitute an immediate hazard.

(c) No stop need be made at street railway tracks within a business or residence district.

(d) Unless a train or locomotive is approaching, the driver of a motor vehicle need not stop at any industrial or spur track as defined by the Public Utilities Commission unless the Public Utilities Commission determines that a stop should be made.

(e) Distinctive signs or devices of a type authorized by the Public Utilities Commission shall be erected at industrial or spur tracks where no stop need be made.

(f) No stop need be made at any crossing where an officer is on duty and directs traffic to proceed nor where a stop and go signal is in operation and indicates that traffic may proceed.

(g) The driver of a motor vehicle need not stop at any branch line which crosses a road or street leading to or from a public ferry and on which there is less than daily train service and with characteristics and freight service similar to industrial track operations, where with the approval of the Public Utilities Commission, distinctive signs are displayed indicating that no stop need be made, unless a train or locomotive is approaching upon such branch line.

CHAPTER 829

An act to amend Section 1744 of the Code of Civil Procedure, relating to conciliation courts.

[Approved by Governor June 8, 1963. Filed with Secretary of State June 8, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 1744 of the Code of Civil Procedure is amended to read:

1744. In each county with a population of 440,000 and not more than 503,000, as determined by the 1960 federal census, the superior court may appoint one counselor of conciliation and one secretary to assist the conciliation court in disposing of its business and carrying out its functions.

The counselor of conciliation so appointed shall have the power to:

(a) Hold conciliation conferences with parties to, and hearings in, proceedings under this chapter, and make recommendations concerning such proceedings to the judge of the conciliation court.

(b) Provide such supervision in connection with the exercise of his jurisdiction as the judge of the conciliation court may direct.

(c) Cause such reports to be made, such statistics to be compiled and such records to be kept as the judge of the conciliation court may direct.

(d) Hold such hearings in all conciliation court cases as may be required by the judge of the conciliation court, and make such investigations as may be required by the court to carry out the intent of this chapter.

The superior court may also appoint, with the consent of the board of supervisors, such associate counselors of conciliation and other office assistants as may be necessary to assist the conciliation court in disposing of its business. Such associate counselors shall carry out their duties under the supervision of the judge of the conciliation court and shall have all the powers of the counselor of conciliation. Office assistants shall work under the supervision and direction of the counselor of conciliation.

Salaries of persons appointed under this section shall be fixed by the board of supervisors of the county.

CHAPTER 830

An act to amend Section 8857 of the Education Code, relating to educational television.

[Approved by Governor June 8, 1963. Filed with Secretary of State June 8, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 8857 of the Education Code is amended to read:

8857. The governing board of any school district or the county superintendent of schools acting with its permission and on behalf of such a board, or boards, may enter into contracts, either alone or in co-operation with other school districts, for the purpose of participating in or the procuring of television broadcasts for use in the educational program of the schools.

The governing board of any school district or the county superintendent of schools, either alone or in co-operation with other school districts or other county superintendents of schools, may purchase broadcast time over, and may own, lease, and operate, television transmitting facilities for use in providing instructional services, teachers' inservice educational services, which the governing board or the county superintendent of schools is otherwise authorized to provide, and may provide necessary services in connection therewith. The governing board of a school district or the county superintendent of schools which is the owner or lessee of television transmitting facilities may sell broadcast time, on a reimbursement basis, to any other school districts or county superintendent of schools for instructional services and teachers' inservice educational services upon such terms as are mutually agreed upon.

The governing board of a school district and a county superintendent of schools may accept grants-in-aid from any public or private source in carrying out the purposes of this section.

When television transmitting facilities owned, leased or operated by the governing board of a school district or county superintendent of schools either alone or in co-operation with other school districts or other county superintendents of schools pursuant to this section are not in use for providing instructional services or teachers' inservice educational services, such facilities may be used for transmitting community educational television programs if such use does not require the expenditure of any additional public funds of a school district or a county superintendent of schools.

CHAPTER 831

An act to amend Section 54309 of the Government Code, relating to the definition of "enterprise."

[Approved by Governor June 8, 1963. Filed with Secretary of State June 8, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 54309 of the Government Code is amended to read:

54309. "Enterprise" means a revenue-producing improvement, building, system, plant, works, facilities, or undertaking used for or useful for any of the following purposes:

(a) The obtaining, conserving, treating and supplying of water for domestic use, irrigation, sanitation, industrial use, fire protection, recreation, or any other public or private uses.

(b) The collection, treatment or disposal of garbage or refuse matter.

(c) The collection, treatment or disposal of sewage, waste or storm water, including drainage.

(d) The providing of public parking lots, garages, or other automotive or vehicular parking facilities, including any and all public offstreet vehicular parking facilities.

(e) The providing of public transportation by means of a ferry or ferry system.

(f) The providing of public airports and facilities appurtenant thereto.

(g) The providing of harbors, including without limitation public small boat harbors, and facilities and improvements in connection therewith.

(h) The providing of hospitals and facilities appurtenant thereto.

(i) The providing of public golf courses, and facilities and improvements in connection therewith.

CHAPTER 832

An act to amend Sections 33003, 33004, and 33481 of, and to repeal Section 33011 of the Health and Safety Code, and to amend Sections 33310, 33311, and 33314 of, and to repeal Section 33320 of, Part 1 of Division 24 of the Health and Safety Code, as proposed to be added by Assembly Bill No. 1734, relating to community redevelopment.

[Approved by Governor June 8, 1963. Filed with Secretary of State June 8, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 33003 of the Health and Safety Code is amended to read:

33003. "Project area" means an area of a community which is a blighted area, the redevelopment of which is necessary to effectuate the public purposes declared in this part, and which is selected by the planning commission pursuant to Section 33500.

SEC. 2. Section 33004 of said code is amended to read:

33004. A project area need not be restricted to buildings, improvements, or lands which are detrimental or inimical to the public health, safety, or welfare, but may consist of an area in which such conditions predominate and injuriously affect the entire area. A project area may include lands, buildings, or improvements which are not detrimental to the public health, safety or welfare, but whose inclusion is found necessary for the effective redevelopment of the area of which they are a part.

SEC. 3. Section 33011 of said code is repealed.

SEC. 4. Section 33481 of said code is amended to read:

33481. The resolution designating a project area or areas shall contain the following:

(a) A finding that the area requires study to determine if a redevelopment project or projects within said area are feasible;

(b) A description of the boundaries of the area designated.

SEC. 5. Section 33310 of Part 1 of Division 24 of the Health and Safety Code, as proposed to be added by Assembly Bill No. 1734, is amended to read:

33310. "Project area" means an area of a community which is a blighted area, the redevelopment of which is necessary to effectuate the public purposes declared in this part, and which is selected by the planning commission pursuant to Section 33321.

SEC. 6. Section 33311 of Part 1 of Division 24 of said code, as proposed to be added by Assembly Bill No. 1734, is amended to read:

33311. A project area need not be restricted to buildings, improvements, or lands which are detrimental or inimical to the public health, safety, or welfare, but may consist of an area in which such conditions predominate and injuriously affect the entire area. A project area may include lands, buildings, or improvements which are not detrimental to the public health, safety or welfare, but whose inclusion is found necessary for the effective redevelopment of the area of which they are a part.

SEC. 7. Section 33314 of Part 1 of Division 24 of said code, as proposed to be added by Assembly Bill No. 1734, is amended to read:

33314. The resolution designating a project area or areas shall contain the following:

(a) A finding that the area requires study to determine if a redevelopment project or projects within said area are feasible.

(b) A description of the boundaries of the area designated.

SEC. 8. Section 33320 of Part 1 of Division 24 of said code, as proposed to be added by Assembly Bill No 1734, is repealed.

SEC. 9. Sections 5, 6, 7 and 8 of this act shall become operative only if Part 1 of Division 24 of the Health and Safety Code as proposed by Assembly Bill No. 1734 is enacted by the Legislature at its 1963 Regular Session, and in such case at the same time as Assembly Bill No. 1734 takes effect; at which time Sections 33003, 33004 and 33481 of the Health and Safety Code as amended by Sections 1, 2, and 4 of this act are repealed.

CHAPTER 833

An act to amend Section 16802 of the Education Code, relating to school transportation.

[Approved by Governor June 8, 1963 Filed with Secretary of State June 8, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 16802 of the Education Code is amended to read:

16802. In order to procure the service at the lowest possible figure consistent with proper and satisfactory service, the governing board shall, whenever an expenditure of more than two thousand five hundred dollars ($2,500) is involved, secure bids pursuant to Sections 15951 and 15952 of this code whenever it be contemplated that a contract may be made with a person or corporation other than a common carrier or a municipally owned transit system or a parent or guardian of the pupils to be transported. The governing board may let the contract for the service to other than the lowest bidder. No board shall make any purchase or enter into any contract for the service without securing the written approval of the county superintendent of schools.

CHAPTER 834

An act to add Section 1552.46 to the Welfare and Institutions Code, and to amend Section 270d of the Penal Code, relating to child support.

[Approved by Governor June 8, 1963. Filed with Secretary of State June 8, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 1552.46 is added to the Welfare and Institutions Code, to read:

1552.46. When payments for child support, or fines, penalties or forfeitures imposed under Section 270d of the Penal Code, are made by, or collected in any way from absent parents, such payments will be taken into account in determining the amount of aid to be paid.

Money from absent parents for support of a needy child, when collected by or paid through any public officer or agency, shall be transmitted to the county department providing aid to be used for the support of the child. All absent parents' payments or collections available to the county department for support of the child shall be applied first to support for the calendar month following receipt by the county department, and any balance remaining shall either be applied

against future needs or be treated as reimbursement for past support furnished from public assistance funds.

SEC. 2. Section 270d of the Penal Code is amended to read:

270d. In any case where there is a conviction and sentence under the provisions of either Section 270 or Section 270a, of this code, should a fine be imposed, such fine shall be directed by the court to be paid in whole or in part to the wife of the defendant or guardian or custodian of the child or children of such defendant, except as follows:

If the children are receiving public assistance, all fines, penalties or forfeitures imposed and all funds collected from the defendant shall be paid to the county department. Money so paid shall be applied first to support for the calendar month following its receipt by the county department and any balance remaining shall be applied to future needs, or be treated as reimbursement for past support furnished from public assistance funds.

CHAPTER 835

An act to add Section 1578.1 to the Welfare and Institutions Code, relating to aid to needy children.

[Approved by Governor June 8, 1963. Filed with Secretary of State June 8, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 1578.1 is added to the Welfare and Institutions Code, to read:

1578.1. If, to the knowledge of the court, aid has been applied for or granted to a child of parents who are engaged in a divorce or separate maintenance action which is pending, or if the court at any stage of the litigation believes that within the near future there is a likelihood that aid will be applied for on behalf of the child, the court shall direct the clerk to notify the district attorney and the county department of the pending action.

In any case in which aid has been applied for on behalf of the child, and the county department has knowledge that an action for divorce or separate maintenance has been filed, it shall be the duty of the county welfare director to notify the court that aid is being paid or has been applied for, and to furnish to it such information as is available to the department as to the financial resources of the parents which might be applied to child support.

CHAPTER 836

An act to amend Section 16 of, and to add Sections 36 and 37 to, the Mojave Water Agency Law (Chapter 2146, Statutes of 1959), relating to the Mojave Water Agency, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 8, 1963. Filed with Secretary of State June 8, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 16 of the Mojave Water Agency Law (Chapter 2146, Statutes of 1959) is amended to read:

SEC. 16. The agency may annually levy an assessment against pumping within the agency as limited in subdivision (b) of Section 37 and shall fix and collect rates and charges for water sold by the agency which together with the assessment against pumping will be in an amount sufficient to pay not less than the variable costs under any contract entered into with the State, for the purchase of water, and shall annually, at the time county taxes are levied, levy an ad valorem tax on land only within the agency not to exceed 45 cents per $100 assessed valuation for the purpose of paying all other costs, expenses and obligations of the agency under any such contract. If such an ad valorem tax on land only at 45 cents per $100 assessed valuation will not yield adequate revenue for such purpose, the agency shall at the same time levy a further ad valorem tax on all taxable property, exclusive of personal property, within the agency for the additional revenue required for the purpose of paying all other costs, expenses and obligations of the agency under any such contract. For the purposes of this section, the term "variable costs" shall mean those costs paid by the agency which constitute operation, maintenance, power and replacement costs incurred in an amount which is dependent upon and varies with the amount of project water delivered to the agency by the State.

To accomplish the administration of the agency there shall be levied a tax not to exceed ten cents ($0.10) on each one hundred dollars ($100) of the assessed valuation of all taxable property in the agency exclusive of personal property. Taxes to provide the principal and interest on bonded indebtedness shall be levied on all the property in the area subject to such taxation when duly authorized by a vote of the electors. These taxes shall be levied and collected with, and not separately from, taxes for county purposes and the revenue derived from these taxes shall be paid into the treasury of the county to the credit of the agency and the board shall have the power to control and order the expenditure thereof. The provisions of the laws of the State of California prescribing the priority, time, and manner of levying, assessing, equalizing and collecting county property taxes, including the sale of property for delinquency and the redemption from such sale and the duties

of the various county officers with respect thereof, are, so far as they are applicable and not in conflict with the specific provisions of this act, hereby adopted for the agency and made a part hereof. Such officers shall be liable upon their several bonds for the faithful discharge of the duties imposed upon them by this act.

SEC. 2. Section 36 is added to said act, to read:

Sec. 36. The board of directors, so far as practicable, shall fix such rates and charges for water for delivery within the agency and within each improvement district therein as will result in revenues which will pay not less than the amount required to: (a) pay the related operating expenses of the agency, and the improvement district, including variable costs as defined in Section 16 of that portion of water received by the agency from the State, (b) provide for repairs, (c) provide for other expenses of the agency, (d) provide for development of other waters, (e) provide a reasonable surplus for improvements, extensions, and enlargements, (f) pay the interest on any bonded debt, and (g) provide a sinking or other fund for the payment of the principal of such debt as it may become due. Said rates and charges for water in each improvement district may vary from the rates and charges of the agency and of other improvement districts therein.

SEC. 3. Section 37 is added to said act, to read:

Sec. 37. (a) The Mojave Water Agency shall have the power to initiate in the name of the agency before any court of the United States or the State of California an adjudication of substantially all of the rights of whatever nature to extract water from any of the ground water basins underlying or affecting the water supply or to divert flowing water within any natural drainage area and to determine the natural safe yield of such ground water basins and stream systems affecting the water supply within the Mojave Water Agency. Any person claiming any right, title or interest to the natural waters within the Mojave Water Agency including those persons set forth in the complaint filed by the agency shall within 30 days after completion of the publication of summons or personal service, appear by answer setting forth the rights so claimed

(b) At the conclusion of the adjudication provided for in subdivision (a), of all or substantially all of the rights of whatever nature to extract water from any ground water basin underlying or effecting the water supply in the Mojave Water Agency and to divert flowing water within the natural drainage area of the Mojave Water Agency and a determination of the natural safe yield of the basin and stream system affecting the water supply in the Mojave Water Agency and a determination of the amount or extent of which the rights so adjudicated may be exercised without exceeding the natural safe yield of such water supply, the board shall recognize such judicial determination by exempting from assessments against pumping the amount of water obtained by each person whose rights have been so adjudicated which does not exceed his

proportionate share of natural safe yield of the water supplies within the adjudicated area. The assessment against pumping may thenceforth be levied on each producer by multiplying the production in acre-feet of water so produced by such producer's water producing facility in excess of his allocated share of the safe yield by the rate of the assessment against pumping fixed and levied by the board for the fiscal year in which such production shall occur.

(c) To the extent that water supplies are augmented under this act, no person shall acquire any property or other right in water distributed by the agency.

SEC. 4. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The amendments made by the act will make changes in the law which are necessary in order for the Mojave Water Agency to be able to enter into a contract with the State for delivery of water from the State Water Facilities. Under the terms of the existing contracts with other Southern California water districts and agencies, it is necessary for the Mojave Water Agency to enter into such a contract by June 30, 1963, in order to participate in negotiations as to the timing of the construction of the East Branch Aqueduct. In view of this, it is essential that this act go into immediate effect.

CHAPTER 837

An act to amend Section 1952.1 of the Code of Civil Procedure, relating to procedures for destruction of exhibits.

[Approved by Governor June 8, 1963. Filed with Secretary of State June 8, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 1952.1 of the Code of Civil Procedure is amended to read:

1952.1. The court on its own motion, by a written order signed by the judge, filed in the action, and an entry thereof made in the register of actions, may order destroyed or otherwise disposed of, any exhibit or deposition introduced in the trial of a civil action or proceeding or filed in such action or proceeding which remains in the custody of the court or clerk for a period of three years after:

1. A motion for a new trial has been granted and a memorandum to set the case for trial has not been filed or a motion to set for trial has not been made within such three years;

2. The filing of the remittitur where the action or proceeding, after appeal, has been remanded to the trial court for a

new trial and the same has not been brought to trial within three years from the date of filing the remittitur;

3. The dismissal of such action or proceeding;

4 The introduction or filing thereof and where Sections 1952 and 1952.1 make no provision for and where in the discretion of the court the same should be destroyed or otherwise disposed of.

No exhibit shall be ordered destroyed or otherwise disposed of pursuant to the provisions of this section which conveys title to or creates a lien on real property, or where a party to the action or proceeding files a written notice with the court requesting the preservation of any exhibit for a stated time. Such exhibit may be destroyed after such time unless another notice is filed.

CHAPTER 838

An act to amend Section 2984 of the Civil Code, relating to automobile sales financing.

[Approved by Governor June 8, 1963 Filed with Secretary of State June 8, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 2984 of the Civil Code is amended to read:

2984. Any failure to comply with any provision of this chapter (commencing with Section 2981) may be corrected by the holder, provided, however, that a willful violation may not be corrected unless it is a violation appearing on the face of the contract and is corrected within 30 days of the execution of the contract or within 20 days of its sale, assignment or pledge, whichever is later, provided that the 20-day period shall commence with the initial sale, assignment or pledge of the contract, and provided that any other violation appearing on the face of the contract may be corrected only within such time periods. A correction which will increase the amount of the contract balance or the amount of any installment as such amounts appear on the conditional sale contract shall not be effective unless the buyer concurs in writing to the correction. If notified in writing by the buyer of such a failure to comply with any provision of this chapter, the correction shall be made within 10 days of notice. Where any provision of a conditional sale contract fails to comply with any provision of this chapter, the correction shall be made by mailing or delivering a corrected copy of the contract to the buyer. Any amount improperly collected by the holder from the buyer shall be credited against the indebtedness evidenced by the contract or returned to the buyer. A violation corrected as provided in this section shall not be the basis of any recovery by the buyer or affect the enforceability of the contract by the holder and shall not be deemed to be a substantive change in the agreement of the parties.

CHAPTER 839

An act to add Part 5 (commencing with Section 50000) to Division 10 of the Public Utilities Code, to provide for the creation of the Stockton Metropolitan Transit District, prescribing the powers and duties thereof, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 8, 1963. Filed with Secretary of State June 8, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Part 5 (commencing with Section 50000) is added to Division 10 of the Public Utilities Code, to read:

PART 5. STOCKTON METROPOLITAN TRANSIT DISTRICT

CHAPTER 1. GENERAL PROVISIONS

Article 1. Definitions

50000. This part shall be known and cited as the "Stockton Metropolitan Transit District Act of 1963."

50001. Unless the context otherwise requires, the provisions of this article govern the construction of this part.

50002. "District" means the Stockton Metropolitan Transit District formed under this part.

50003. "Board" means the board of directors of this district.

50004. "Voter" means any elector who is registered under the Elections Code.

50005. "Transit" means the transportation of passengers and their incidental baggage by any means.

50006. "Transit works" or "transit facilities" means all real and personal property, equipment, rights, or interests owned or to be acquired by the district for transit service.

Article 2. General Provisions

50010. It is necessary that a transit district be established in the Stockton metropolitan area which includes the City of Stockton and adjacent territory situated in San Joaquin County in order to meet the transit problem of the area. The problem is unique in that presently there are several existing transportation facilities serving various parts of the area but independently operated, without interchange of transportation services, and without possibility of merger. The geographic location of the city to the area requiring transportation services makes it necessary to develop a single transit system to protect the public interest.

50011. The Stockton Metropolitan Transit District may be created as provided in this part and when so created may exercise the powers herein granted.

50012. Except as otherwise provided in this part elections shall be held and conducted and the result ascertained, determined, and declared in, all respects as nearly as practicable in conformity with the general election laws of the State.

50013. Except as otherwise provided in this part all ordinances and notices which are required to be published shall be published within the district pursuant to Section 6066 of the Government Code.

50014. Whenever the signature of any officer or employee of a district or of any member of the retirement board or of any officer or employee of the retirement system is authorized or required under the provisions of this part, except in the single instance provided in Section 50243, the signature may be made by the use of a plate bearing facsimiles of such signatures.

CHAPTER 2. FORMATION OF DISTRICT

Article 1. General Provisions

50020. The City of Stockton, together with unincorporated territory, may organize and incorporate as the Stockton Metropolitan Transit District.

50021. The request for the formation of the Stockton Metropolitan Transit District may be made by resolution or by petition as set out in this chapter.

Article 2. Request by Resolution

50025. The legislative body of the City of Stockton may pass a resolution declaring that in its opinion public interest or necessity demands the creation and maintenance of the Stockton Metropolitan Transit District.

50026. The resolution may state the transit facilities proposed to be first acquired, but failure to acquire such transit facilities shall not affect the validity of the district. The resolution shall set forth and describe the boundaries of the proposed district.

50027 Certified copies of the resolution shall be presented to the Board of Supervisors of San Joaquin County requesting the board of supervisors to call an election without delay for determining whether the district will be created.

Article 3. Request by Petition

50030. Instead of a resolution, a petition may be presented to the board of supervisors signed by voters within the proposed district equal in number to at least 25 percent of the total vote cast at the last general election.

50031. The petition shall contain substantially the same declarations and statements required to be contained in the resolution presented to the board of supervisors under this chapter, including the description of the boundaries, and declare that, in the opinion of the petitioners, public interest or necessity demands the creation and maintenance of the metropolitan transit district.

50032. The petition may be on separate papers, but each paper shall contain the affidavit of the person who circulated it certifying that each name signed thereto is a true signature of the person whose name it purports to be.

50033. The County Clerk of the County of San Joaquin shall compare the signatures to the petition with the affidavits of registration and certify to their sufficiency or insufficiency.

Article 4. Election

50035. Upon receipt of certified copies of the resolution or of a sufficient petition, the board of supervisors shall hold a hearing on the question of forming a Stockton Metropolitan Transit District. All interested persons shall be given an opportunity to express their views at the hearing.

50036. The board of supervisors shall have the power to exclude unincorporated areas which, in the board's determination, would not receive reasonable benefit from inclusion in the district.

50037. At the conclusion of the hearing, if the board of supervisors approves the resolution or petition as originally presented or in modified form, it shall by resolution entered upon its minutes:

(a) Fix and describe the exterior boundaries of the proposed district as determined by the board of supervisors.

(b) Fix the date on which an election will be held in the proposed district and the hours during which the polls will be open.

(c) State the purpose for which the election is held.

50038. The election shall be held not less than 60 days nor more than 90 days from the date of the adoption of the resolution prescribed by Section 50037.

50039. The election shall be called by publishing notice calling the election pursuant to Section 6066 of the Government Code not less than 20 days before the election. Said notice need only specify the time and place of the election, the hours during which the polls will be open, the purpose of the election, and the description of the exterior boundaries of the proposed district as determined by the board of supervisors.

No notice of the election other than the notice prescribed by this section need be given except that the county clerk shall mail notice of polling place and purpose of election to each qualified elector of the proposed district.

50040. The ballot for the election shall contain such instructions as are required by law to be printed thereon and in addition thereto the following:

Shall the "Stockton Metropolitan Transit District" be created and established?	YES	
	NO	

50041. No person shall be entitled to vote at the election unless he is a voter of the territory included in the proposed district.

50042. The election may be held on the same day as any other state, county, or city election, and be consolidated therewith.

50043. The board of supervisors shall meet on the Tuesday next succeeding the day of the election and canvass the returns.

50044. The board of supervisors shall make all provisions for the holding of the election throughout the entire district as proposed, and shall pay the cost thereof.

50045. If a special election is held exclusively on the proposition of organizing the district, the expenditure therefor shall be reimbursed to the county by means of a tax on all the taxable property within the territory which was proposed to be included in the district, and this tax shall be added to the next county tax bills by the proper official of the county.

Article 5. Establishment of the District

50050. If a majority of the electors voting on the proposition vote in favor of the creation and establishment of the district, the board of supervisors shall cause a certified copy of the order declaring the result of the election to be filed in the office of the Secretary of State, from and after which the establishment of the district shall be deemed complete.

Article 6. Contest of Incorporation

50055. No informality in any proceeding or in the conduct of the election, not substantially affecting adversely the legal rights of any citizen, shall be held to invalidate the incorporation of the district. Any proceedings wherein the validity of incorporation is denied shall be commenced within three months from the date of filing the order declaring the result of the election with the Secretary of State, otherwise the incorporation and the legal existence of the district shall be held to be valid and in every respect legal and incontestable.

Chapter 3. Internal Organization of District

Article 1. Government

50060. The government of the district shall be vested in a board of five members. Two of the directors shall be ap-

pointed by the Board of Supervisors of the County of San Joaquin. Two of the directors shall be appointed by the City Council of the City of Stockton. The board of supervisors, together with five members of the city council appointed by the mayor shall constitute a board of election to appoint the other director. This director shall be chairman of the board. A majority vote is necessary for the appointment of the chairman of the board.

50061. These appointments shall be made within 30 days after the formation of the district.

50062. A vacancy on the board shall be filled by the body which appointed the director whose office is vacated and the new appointee shall hold his office for the unexpired term.

50063. Each director shall, within 10 days after his appointment and before entering upon the discharge of his duties of his office, take and subscribe to an oath in the form set forth in Section 3 of Article XX of the Constitution of California before an officer authorized by law to administer oaths. The oaths shall be filed in the office of the district.

50064. A person shall not be appointed to or be a member of the board unless he is a resident of the district and has resided within the district at least one year immediately prior to his appointment to the board.

Article 2. Terms of Office

50067. The term of office of each director is four years from the time of his appointment, except that the chairman first appointed shall hold office for two years, and the remaining directors first appointed to the board shall classify themselves by lot, so that the two appointed by the board of supervisors shall hold office for one and three years and the two appointed by the city council shall hold office for two and four years.

Article 3. Powers and Duties of Directors

50070. The chairman is the presiding officer of the board and he shall vote on the propositions passed upon by the board.

50071. The first meeting of the board shall be held within 10 days of the appointment of its chairman. The board may make its own rules of procedure and determine the place and time of its meeting.

50072. The board shall select one of its members vice chairman, who shall preside in the absence of its chairman. The board shall provide for and select such officers as it deems necessary to conduct the affairs of the district.

50073. All matters and things necessary for the proper administration of the affairs of the district which are not provided for in this part shall be provided for by the board.

50074. The board shall supervise and regulate every transit facility owned and operated by the district, including

the fixing of rates, rentals, charges and classifications, and the making and enforcement of rules, regulations, contracts, practices, and schedules, for or in connection with any transit facility owned or controlled by the district.

50075. The board may either operate the transit system itself, or it may contract with the City of Stockton, or with any other public or private agency, to operate the transit system for the district.

50076. The board may adopt a personnel system for the purpose of recruiting and maintaining an effective working force with good morale. The board shall by resolution determine and create such number and character of positions as are necessary properly to carry on the functions of the district and shall establish an appropriate salary, salary range, or wage for each position so created. The board may by resolution abolish any such position. Except as otherwise provided, appointments to such positions shall be made by the general manager.

50077. The board may from time to time contract for or employ any professional service required by the district or for the performance of work or services which cannot satisfactorily be performed by the regular employees of the district.

50078. The board shall have an annual audit made of all books and accounts of the district by a certified public accountant or public accountant.

50079. The board may provide by resolution, under such terms and conditions as it sees fit, for the payment of demands against the district without prior specific approval thereof by the board if the demand is for a purpose for which an expenditure has been previously approved by the board and in an amount no greater than the amount so authorized, and if the demand is approved by the general manager.

50080. To facilitate the business of the district, the board may provide for the creation and administration of such funds as the needs of the district may require. The funds shall be disbursed in accordance with rules established by the board and all payments from any fund shall be reported to the board.

Article 4. Meetings and Legislation

50085. All meetings of the board shall be conducted in a manner prescribed by the Ralph M Brown Act, Chapter 9 (commencing with Section 54950), Part 1, Division 2, Title 5 of the Government Code.

50086. A majority of the board constitutes a quorum for the transaction of business.

50087. The board shall establish rules for its proceedings and may provide by ordinance or resolution that each member shall receive for each attendance at the meetings of the board the sum of fifteen dollars ($15) but not to exceed forty-five dollars ($45) in any calendar month and shall be allowed such necessary traveling and personal expenses in-

curred in the performance of his duties as authorized by the board.

50088. The acts of the board shall be expressed by motion, resolution, or ordinance. No ordinance shall be passed by the board on the day of its introduction, nor within three days thereafter, nor at any time other than a regular or adjourned regular meeting. No ordinance, resolution, or motion shall have any validity or effect unless passed by the affirmative votes of a majority of the directors.

50089. All ordinances shall be published after passage.

50090. The enacting clause of all ordinances shall be as follows:

"Be it enacted by the board of directors of Stockton Metropolitan Transit District:" All ordinances shall be signed by the chairman of the board or the vice chairman and attested by the secretary.

Article 5. Other Officers

50095. The board shall appoint and fix the salary of a general manager, who shall have full charge of the acquisition, construction, maintenance, and operation of the facilities of the district, and also of the administration of the business affairs of the district.

50096. All other things being equal, the board shall appoint as general manager, a person who has had experience in the construction or management of transit facilities.

50097. The general manager need not be a resident of this State at the time of his appointment.

50098. The general manager may be removed by the board upon the adoption of a resolution by the affirmative vote of not less than a majority of the board. Before the general manager may be removed, he shall, if he demands it, be given a written statement of the reasons alleged for his removal and he shall have the right to be publicly heard thereon at a meeting of the board prior to the final vote on the resolution providing for his removal, but pending and during such hearing the board may suspend him from office. The board may not reduce the salary of the general manager below the amount fixed at the time of his original appointment except upon the adoption of a resolution by a like vote and after a like opportunity to be heard. The action of the board in suspending or removing the general manager or reducing his salary, if approved by a majority of the membership of the board, is final.

50099. Notwithstanding anything to the contrary in Section 50098, until such time as the district has operated, controlled, or used facilities or parts of facilities for providing the inhabitants within the boundaries of the district with transit services for a period of six months, the board may, but is not required to, appoint a general manager. A general manager appointed during such time holds office at the pleasure of the majority of the board.

50100. The board shall appoint a secretary and an attorney, who shall hold office during the pleasure of the board.

50101. The attorney shall be admitted to practice law in the Supreme Court of the State, and shall have been actively engaged in the practice of his profession for not less than three years next preceding his appointment.

50102. The board may consolidate any of the district offices in one person.

50103. The oath of all appointive officers of the district shall be taken, subscribed, and filed with the secretary of the district at any time after the officer has notice of his appointment but not later than 15 days after the commencement of his term of office. No other filing is required.

50104. Each appointive officer shall give such bond and in such amount as the board may require.

50105. Subject to the control of the board, the powers and duties of the general manager are:

(a) To have full charge of the acquisition, construction, maintenance, and operation of the facilities of the district.

(b) To have full charge of the administration of the business affairs of the district.

(c) To see that all ordinances of the district are enforced.

(d) To administer the personnel system adopted by the board and except for officers appointed by the board to appoint, discipline or remove all officers and employees subject to the rules and regulations adopted by the board.

(e) To attend all meetings of the board and submit a general report of the affairs of the district.

(f) To keep the board advised as to the needs of the district.

(g) To prepare or cause to be prepared all plans and specifications for the construction of the works of the district.

(h) To devote his entire time to the business of the district.

(i) To perform such other and additional duties as the board may require.

50106. The general manager shall within 90 days from the end of each fiscal year cause to be published a financial report showing the result of operations for the preceding fiscal year and the financial status of the district on the last day thereof. The publication shall be made in the manner provided in this part for the publication of ordinances and notices generally.

50107. The attorney shall take charge of all suits and other legal matters to which the district is a party or in which it is legally interested. He shall give his advice or opinion in writing whenever required by the board. He shall be the legal adviser of the general manager and other district officers and shall prepare or approve the forms of all ordinances, resolutions, contracts, bonds, and other legal documents connected with the business of the district. He shall perform such other and additional services as the board may require.

50108. The general manager shall cause to be installed and maintained a system of auditing and accounting which shall completely and at all times show the financial condition

of the district. All warrants for the payment of demands against the district shall be paid in accordance with such rules as the board may establish.

50109. The general manager shall provide for the custody of the funds of the district and the keeping of accounts of all receipts and disbursements. Payments shall be made only upon warrants duly and regularly signed by the chairman or vice chairman of the board, or other person authorized by the board so to do, and by the general manager or secretary.

50110. With the consent of the board, the general manager may:

(a) Authorize the trust department of any state or national bank in this State, or a trust company authorized to act as such in this State, to receive as his agent deposits of any securities acquired by the district.

(b) Place and maintain for safekeeping as a trust deposit with the trust department of any state or national banks in this State, or a trust company authorized to act as such in this State, any securities owned by the district.

The bank or trust company selected shall have a total paid-in capital of at least one million dollars ($1,000.000). The general manager shall take from the trust department or trust company a receipt for the securities, and neither the general manager nor the district is responsible for the custody and safe return of the securities until they are withdrawn from the trust department or trust company by the general manager. Any trust department or trust company to which securities are delivered, either as agent or depository for the general manager, shall make such disposition of the securities as the general manager directs and is responsible only for strict compliance with written instructions given to it by the general manager. All such securities are at all times subject to the order of the general manager.

CHAPTER 4. LABOR PROVISIONS

50120. Whenever a majority of the employees employed by said transit district in a unit appropriate for collective bargaining indicate a desire to be represented by a labor organization, the board, upon determining as provided in Section 50121 that said labor organization represents the employees in the appropriate unit, and the accredited representative shall bargain in good faith and make all reasonable efforts to reach agreement on the terms of a written contract governing wages, salaries, hours, working conditions and grievance procedures. In case of a dispute over the terms of a written contract governing wages, salaries, hours or working conditions, which is not resolved by negotiations in good faith between the board and the representatives of the employees, the board and the representatives of the employees shall submit said dispute to the decision of the majority of an arbitration board, and the decision of a majority of such arbitration board shall

be final. The arbitration board shall be composed of two representatives of the transit board and two representatives of the labor organization, and they shall endeavor to agree upon the selection of a fifth member. If they are unable to agree, the fifth member shall be designated by the Secretary of the Judicial Council and shall be a person experienced in labor arbitrations. The expenses of such impartial arbitrator shall be provided half by the transit board and half by the labor organization.

No contract or agreement shall be made with any labor organization, association, group or individual where such organization, association, group or individual denies membership on the grounds of race, creed or color, provided such organization may preclude from membership any individual who advocates the overthrow of the government by force or violence.

50121. If there is a question whether a labor organization represents a majority of employees or whether the proposed unit is or is not appropriate, such matters shall be submitted to the State Conciliation Service for disposition. The State Conciliation Service shall promptly hold a public hearing and may, by decision, establish the boundaries of any collective bargaining unit and provide for an election to determine the question of representation. Provided, however, any certification of a labor organization to represent or act for the employees in any collective bargaining unit shall not be subject to challenge on the ground that a new substantial question of representation within such collective bargaining unit exists until the lapse of one year from the date of certification or the expiration of any collective bargaining agreement, whichever is later.

50122. Whenever any district acquires existing facilities from a publicly or privately owned public utility either in proceedings by eminent domain or otherwise, to the extent necessary for operation of facilities, all of the employees of such public utility whose duties pertain to the facilities acquired who have been employed by said utility for at least seventy-five (75) days shall be appointed to comparable positions in the district without examination and shall be governed thereafter by the personnel system adopted by the board, and these employees shall be given sick leave, seniority and vacation credits in accordance with the records of the acquired public utility.

The provisions of this section shall apply only to those officers or supervisory employees of the acquired utility as shall be designated by the board.

50123. Whenever any district acquires existing facilities from a publicly or privately owned public utility, either in proceedings in eminent domain or otherwise, that has a pension plan in operation, members and beneficiaries of such pension plan shall continue to have the rights, privileges, benefits, obligations and status with respect to such established system.

Whenever any such facilities are acquired by the district, the board shall consider and take into account the outstanding obligations and liabilities of the publicly or privately owned public utility by reason of such pension plan and shall negotiate an allowance in the purchase price of such utility for the assumption of such obligations and liabilities when acquiring the facilities.

50124. The persons entitled to pension benefits as provided for in Section 50123 and the benefits which are provided shall be specified in the agreement or order by which any public utility is acquired by the district.

50125. All persons receiving pension benefits from such acquired public utility and all persons entitled to pension benefits under the pension plan of such acquired public utility may become members or receive pensions under the retirement system established by the district by mutual agreement of such persons and the district.

50126. Notwithstanding any provisions of the Government Code, the board may authorize payment of any or all of the premiums on any group life, accident and health insurance, health and welfare plan, or pension or retirement plan, on officers or employees of a district. Upon authorization by its employees, a district may make deductions from the wages and salaries of its employees:

(a) Pursuant to a collective bargaining agreement with a duly designated or certified labor organization for the payment of union dues, fees, or assessments.

(b) For the payment of contributions pursuant to any health and welfare, pension, or retirement plan.

(c) For any purpose for which deductions may be authorized by employees of any private employer.

CHAPTER 5. RETIREMENT SYSTEM

Article 1. Establishment

50130. The board may establish a retirement system for the officers and employees of the district and provide for the payment of annuities, pensions, retirement allowances, disability payments, and death benefits or any of them.

50131. The district may maintain its own retirement fund or may provide for benefits to eligible officers and employees, or their beneficiaries, by means of group insurance, or other insurance, or by such means as in the opinion of the board will satisfactorily provide an adequate and sure method of meeting the payments contemplated by the retirement system.

50132. Before establishing any retirement system the board shall secure a report from a qualified actuary, which shall show the cost of the benefits provided by the system, and the prospective assets and liabilities of the system.

50133. The board may adopt all ordinances and resolutions and perform all acts necessary or convenient to the initiation, maintenance, and administration of the retirement system.

50134. Nothing in this chapter prevents a district from participating in and making all or part of its employees members of the State Employees' Retirement System by contract entered into between the district and the board of administration of the system under the State Employees' Retirement Law or from participating in the Federal Social Security Act pursuant to Part 4 (commencing with Section 22000), Division 5, Title 2 of the Government Code, and the district may perform all acts necessary or convenient for such participation.

50135. The board may classify and determine the officers and employees who shall be included as members in the retirement system and may change the classification from time to time. Membership of all officers and employees so classified and included in the retirement system is compulsory. The retirement system shall not apply to members of the board.

Article 2. Benefits and Contributions

50140. The board may prescribe the terms and conditions upon which the officers and employees of the district or their beneficiaries shall be entitled to benefits and the amounts thereof.

50141. The retirement allowance may be predicated in part upon service rendered the district by a member prior to the establishment of the retirement system, which service is known as "prior service."

50142. The board shall provide that both the district and the members shall contribute to the retirement system. The rate of contribution by an officer or employee of the district becoming a member of the retirement system shall be so fixed as to provide, with accumulated interest and based on tables and assumptions adopted by the board, substantially one-half the value of any retirement allowance granted for service, exclusive of any credits allowed for prior service.

50143. All members of the retirement system shall contribute in the manner and amount fixed by the board and such contributions may be collected by deducting the amounts thereof from the salary, wages, or compensation due such members.

50144. Liabilities accruing under the retirement system because of benefits other than such as are the equivalent of contributions by the members, with accumulated interests, shall be met by contributions by the district. Prior service or other liabilities of the district may be met by annual appropriations instead of by one appropriation for the total of the liabilities; but until the present value of regular contributions for current service, together with assets then available, equals the present value of all allowances and benefits granted or to be granted under the system, the appropriation for any one

year when added to any unused balance of any previous appropriations for such purpose shall not be less than the amount disbursed during that year on account of prior service or other liabilities of the district.

50145. If any member withdraws from the retirement system prior to retirement the total amount contributed by him with such interest as may be credited thereto shall be returned to him; provided, however, that the board may prescribe the terms and conditions upon which a member, whose district service is terminated except by death or retirement, may elect to leave his contributions and interest thereon in the retirement fund, and the terms and conditions upon which a retirement allowance may be made to him after such termination based upon his contributions prior to such termination.

50146. All money received by any person as an annuity, pension, retirement allowance, disability payment, or death benefit from the retirement system, and all contributions and interest thereon returned to any member of the retirement system, whether in the actual possession of such person or deposited, loaned, or invested by him, is exempt from execution, garnishment, or attachment and is unassignable.

Article 3. Retirement Board

50150. The board shall create a retirement board of not more than five members, at least two members of which shall be the elected representatives of the employees, to administer the retirement system, and shall define its powers and duties and the tenure of the members.

50151. All members of the retirement board shall serve without pay.

50152. The retirement board shall determine the eligibility of officers, employees, and their dependents to participation in the system and shall be the sole authority and judge under such ordinances as may be adopted by the board as to the conditions under which persons may be admitted to and continue to receive benefits of any sort under the retirement system, and may modify allowances for service and disability. The determination of the retirement board shall be final and conclusive and shall not be modified or set aside except for fraud or abuse of discretion.

50153. If the district maintains its own retirement fund the retirement board shall have exclusive control of the administration, investment, and disbursement of such fund. Investment of the fund shall be subject to the terms, conditions, limitations, and restrictions imposed by the laws of this State upon savings banks in the making of investments by savings banks, and cash may be deposited in any licensed national bank or banks in this State or in any bank, banks, or corporations authorized or licensed to do a banking business and organized under the laws of this State.

Article 4. Investigation and Penalties

50155. At least once in each four-year period after the establishment of the retirement system the board shall cause to be made an actuarial valuation of the assets and liabilities of the retirement fund, and upon the basis of such investigation and valuation shall make such revision or change of the rates of contribution, the periods and conditions of service, and amounts of retirement allowances as may be necessary.

50156. Except as herein provided, no member of the board or of the retirement board, nor any member of the retirement system or employee of the district, shall have any interest direct or indirect in the making of any investment or in the gains or profits accruing therefrom, and no such person, directly or indirectly, for himself or as an agent or partner of others, shall borrow any of its funds, nor shall any such person in any manner use the same except to make such current and necessary payments as are authorized by the retirement board, nor shall such a person become an endorser or surety as to, or in any manner an obligor for investments of the retirement fund.

Chapter 6. Powers and Functions of District

Article 1. Corporate Power

50160. The district has perpetual succession and may adopt a seal and alter it at pleasure.

50161. The district may sue and be sued, except as otherwise provided by law, in all actions and proceedings, in all courts and tribunals of competent jurisdiction.

50162. The district shall have or exercise the right of eminent domain in the manner provided by law for the condemnation of private property for public use. The district may take any property necessary or convenient to the exercise of the powers granted in this part whether the property is already devoted to the same use or otherwise. In the proceedings, venue, and trial relative to the exercise of the right, the district has all the rights, powers, and privileges of an incorporated city and all rights, powers, and privileges conferred in this part. The district shall proceed in the name of the district in condemnation proceedings. The district, in exercising such power shall, in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, cables, or poles of any public utility or public district which is required to be moved to a new location.

No action in eminent domain to acquire property or interests therein within any incorporated city or any county shall be commenced unless the legislative body of the affected city or county has consented to such acquisition by resolution.

Article 2. Contracts

50165. The district may make contracts and enter into stipulations of any nature whatsoever, either in connection with eminent domain proceedings or otherwise, including, without limiting the generality of the foregoing, contracts and stipulations to indemnify and save harmless, to employ labor, and to do all acts necessary and convenient for the full exercise of the powers granted in this part.

50166. No officer or employee of the district shall in any manner be interested, directly or indirectly, in any contract awarded or to be awarded by the board, or in the profits to be derived therefrom contrary to the provisions of Article 4 (commencing with Section 1090), Chapter 1, Division 4, Title 1 of the Government Code.

Article 3. Purchases

50170. The purchase of all supplies, equipment and materials, and construction of facilities and works, when the expenditure required exceeds three thousand dollars ($3,000), shall be by contract let to the lowest responsible bidder. Notice requesting bids shall be published at least once in a newspaper of general circulation, which publication shall be made at least 10 days before bids are received. The board may reject any and all bids and readvertise in its discretion.

50171. If after rejecting bids the board determines and declares by a four-fifths vote of all its members that in its opinion the supplies, equipment and materials may be purchased at a lower price in the open market, the board may proceed to purchase the supplies, equipment and materials in the open market without further observance of the provisions requiring contracts, bids or notice.

50172. In case of any great public calamity, such as an extraordinary fire, flood, storm, epidemic, or other disaster, the board may, by resolution passed by a four-fifths vote of all its members declare and determine that public interest and necessity demand the immediate expenditure of public money to safeguard life, health, or property, and thereupon proceed to expend or enter into a contract involving the expenditure of any sum needed in such emergency without observance of the provisions requiring contracts, bids, or notice.

Article 4. Property

50175. The district may take by grant, purchase, gift, devise or lease, or condemn in proceedings under eminent domain, or otherwise acquire, and hold and enjoy, real and personal property of every kind within or without the district necessary to the full or convenient exercise of its powers. The board may lease, mortgage, sell, or otherwise dispose of any real or personal property within or without the district when

in its judgment it is for the best interests of the district so to do.

50176. Whenever the board by resolution determines that any record, map, book, or paper in the possession of the district or any officer or employee thereof is of no further value to the district, the board may authorize its sale, destruction, or other disposition.

Article 5. Transit Facilities and Service

50180. The district may acquire, construct, own, operate, control or use rights-of-way, rail lines, buslines, stations, platforms, switches, yards, terminals, and any and all other facilities necessary or convenient for transit service within or partly without the district, underground, upon, or above the ground and under, upon, or over public streets or other public ways or waterways, together with all physical structures necessary or convenient for the access of persons and vehicles thereto, and may acquire any interest in or rights to the joint use of any or all of the foregoing; provided, that installations in any street, road or other property devoted to a public use shall be subject to consent of the governing body in charge of such public use.

50181. The district may without limitation by any other provisions of this part requiring approval of indebtedness, accept contributions of money, rights-of-way, labor, materials, and any other property for the acquisition, construction, maintenance, and operation of transit facilities, and may without limitation by any other provisions of this part enter into any contracts and co-operation with and accept co-operation from the State, or any department, instrumentality, or agency thereof, or any public agency in the acquisition, construction, maintenance, and operation of, and in financing the acquisition, construction, maintenance, and operation of, any such transit facilities.

50182. The district shall not interfere with or exercise any control over any transit facilities now or hereafter owned, and operated wholly or partly within the district by any city or public agency, unless by consent of such city or public agency and upon such terms as are mutually agreed upon between the board and such city or public agency.

50183. The district may lease or contract for the use of its transit facilities, or any portion thereof, to any operator, and may provide for subleases by such operator upon such terms and conditions as it deems in the public interest The word "operator" as used in this section means any city or public agency or any person, firm or private corporation.

50184. The district may construct and operate or acquire and operate works and facilities in, under, upon, over, across, or along any street or public highway or any stream, bay or watercourse, or over any of the lands which are the property of the State, to the same extent that such rights and

privileges appertaining thereto are granted to municipalities within the State, and to install adequate bus stops, including the painting of curbs, subject to the consent of the governing body in charge of such streets, highways, stream, watercourse or lands.

50185. The district may enter into agreements for the joint use of any property and rights by the district and any city, public agency or public utility operating transit facilities; may enter into agreements with any city, public agency or public utility operating any transit facilities, either wholly or partially within, or without, the district, for the joint use of any property of the district or of such city, public agency or public utility, or the establishment of through routes, joint fares, transfer of passengers or pooling arrangements.

50186. The rates and charges for service furnished pursuant to this part shall be fixed by the board and shall be reasonable.

50187. The board of supervisors or the city council of a municipality having territory located within the district may file a request for a hearing before the district board as to the reasonableness of any rates or charges fixed by the district and as to any proposal for fixing the location of facilities by the district. The request shall be in writing and shall state the subject matter on which a hearing is desired.

50188. Upon the filing of a request for hearing as provided in Section 50187 the district board shall fix the time and place for hearing. The time fixed shall not be less than 15 days nor more than 60 days from the date such request is filed. Notice of such hearing shall be given to the county or city requesting such hearing and shall be published by the board.

50189. At the time fixed for any hearing before the board any board of supervisors or city council eligible to file a request for hearing, not a party to the original request for hearing, may intervene and shall be entitled to be heard and to introduce evidence.

50190. Within 30 days after submission of the case, the board shall render its decision and its decision shall be final.

Article 6. Indebtedness

50200. The district may borrow money for the purpose of defraying the expenses of the district lawfully incurred after the commencement of the fiscal year, but prior to the time moneys from the tax levy for the fiscal year are received by the district, in a sum which shall not exceed five cents ($0.05) on each one hundred dollars ($100) of assessed valuation of taxable property in the district at the time the moneys are borrowed, and may evidence such borrowing by notes bearing interest at a rate not to exceed 6 percent per annum. The notes shall be payable from the tax levy from the then current fiscal year, which levy shall contain a sum sufficient to provide for the payment of the notes and the interest thereon. The

form of said notes and the proceedings relating to their issuance and sale, will be governed by the applicable provisions contained in Article 7 (commencing with Section 53820) of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code.

50201. The board of directors of a district may, within a period of two years from and after the formation of the district, pursuant to a resolution adopted by it for the purpose, borrow money on certificates of indebtedness, promissory notes, or other evidences of indebtedness, in anticipation of the estimated tax revenue for the following fiscal year, to be repaid within four years from the date of borrowing with interest at a rate not to exceed 6 percent per annum, in order to enable the district to meet all of its necessary initial expenses of organization, construction, acquisition, maintenance, and operation. The total amount of money borrowed and indebtedness incurred under this section during this two-year period shall not exceed 50 percent of the total amount of estimated tax revenue as estimated by the county auditor of the county in which the district lies for the following fiscal year.

The form of said notes and the proceedings relating to their issuance and sale, will be governed by the applicable provisions contained in Article 7 (commencing with Section 53820) of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code.

50202. The district shall not incur an indebtedness under Chapter 7 (commencing with Section 50225) of this part which in the aggregate exceeds two (2) percent of the assessed value of all the real and personal property within the district.

50203. The district may accept, without limitation by any other provisions of this part requiring approval of indebtedness, contributions or loans from the United States, this State, or any department, instrumentality, or agency of either thereof, for the purpose of financing the acquisition, construction, maintenance, and operation of transit facilities, and may enter into contracts and co-operate with, and accept co-operation from, the United States, this State, or any department, instrumentality, or agency of either thereof, in the acquisition, construction, maintenance, and operation, and in financing the acquisition, construction, maintenance, and operation of any such transit facilities in accordance with any legislation which Congress or the Legislature of the State of California may have heretofore adopted or may hereafter adopt, under which aid, assistance, and co-operation may be furnished by the United States or this State in the acquisition, construction, maintenance, and operation or in financing the acquisition, construction, maintenance and operation of any such transit facilities. The district may do any and all things necessary in order to avail itself of such aid, assistance, and co-operation under any federal or state legislation now or hereafter enacted. Any evidence of indebtedness issued under this section shall constitute a negotiable instrument.

Article 7. Investments

50205. The district may invest any surplus money in its treasury, including money in any sinking fund, in any of the following:

(a) Its own bonds.

(b) Treasury notes, certificates of indebtedness, bills, bonds of the United States, or any other evidence of indebtedness secured by the full faith and credit of the United States.

(c) Obligations issued pursuant to the Federal Home Loan Bank Act or the National Housing Act.

(d) Treasury notes or bonds of this State, or of any public corporation, municipal corporation, public district, or political subdivision within this State which are legal as security for the deposit of public funds.

50206. Such investment may be made by direct purchase of any issue of such bonds, treasury notes, or obligations, or part thereof, at the original sale or by the subsequent purchase of the bonds, treasury notes, or obligations.

50207. Any bonds, treasury notes, or obligations purchased and held as investments by the district may from time to time be sold and the proceeds reinvested in bonds, treasury notes, or obligations as provided in this article.

50208. Sales of any bonds, treasury notes, or obligations purchased and held by the district shall from time to time be made in season so that the proceeds may be applied to the purposes for which the money with which the bonds, treasury notes, or obligations were originally purchased was placed in the treasury of the district.

Article 8. Taxation

50210. The district may levy, and collect or cause to be collected, taxes for any lawful purpose subject to a maximum limit of five cents ($0.05) per one hundred dollars ($100) of assessed value of all real estate and personal property; provided however, the district shall have the further power to levy, collect or cause to be collected, said property taxes to a maximum limit of ten cents ($0.10) if approval is first obtained from the City Council of the City of Stockton and the Board of Supervisors of the County of San Joaquin.

50211. If, in the opinion of the board, the transit operation revenues will not be sufficient for any and all lawful purposes the board shall levy a tax for such purpose or purposes and fix the amount of money necessary to be raised therefor by taxation.

50212. The board shall, in addition to the general tax levy as set forth in Section 50210, levy and collect annually until the district's bonds are paid, or until there is a sum in the treasury of the district set apart for that purpose to meet all sums coming due for principal and interest on the bonds as they become due a tax sufficient to pay the annual interest on

the bonds and such part of the principal thereof as becomes due before the proceeds of a tax levied at the next general tax levy will be available. If the maturity of the indebtedness created by the issue of bonds begins more than one year after the date of the issuance thereof, the tax shall be levied and collected annually at the time and in the manner aforesaid, sufficient to pay the interest on the indebtedness as it falls due and to constitute a sinking fund for the payment of the principal on or before maturity.

50213. The board may provide for the assessment, levy, and collection of taxes by the district, including the sale of property to the district for delinquent taxes, with penalties, interest, and cost.

50214. The board shall avail itself of the assessments made by the assessor of the county and of the assessments made by the State Board of Equalization for the county and shall take such assessments as the basis for district taxation and have its taxes collected by the tax collector of the county.

50215. In such case the county auditor shall, on or before the third Monday in August of each year, transmit to the board a statement in writing showing the total value of all property within the district, ascertained from the assessments referred to in Section 50214 as equalized.

50216. The board shall, on or before the first weekday in September, or if such weekday falls upon a holiday then on the first business day thereafter, fix the rate of taxes, designating the number of cents upon each hundred dollars, using as a basis the value of property transmitted to the board by the county auditors, which rate of taxation shall be sufficient to raise the amount previously fixed by the board. These acts by the board shall constitute a valid assessment of the property and a valid levy of the taxes so fixed, but the rate of taxation shall not exceed the limit imposed by this article.

50217. The board shall immediately after fixing the rate of taxes as above provided transmit to the county auditor of the county a statement of the rate of taxes fixed by the board.

50218. The districts's taxes so levied shall be collected at the same time and in the same manner as county taxes. When collected the net amount, ascertained as provided in this article, shall be paid to the treasurer of the district, under the general requirements and penalties provided by law for the settlement of other taxes

50219. Whenever any real property has been sold for taxes and has been redeemed, the money paid for redemption shall be apportioned and paid to the district by the county treasurer in the proportion which the tax due to the district bears to the total tax for which the property was sold.

50220 The compensation to be charged by and paid to any county for the performance of services under this article shall be fixed by agreement between the board of supervisors of the county and the board. The compensation shall in no event exceed one-half of 1 percent of all money collected

for the district. The compensation collected by the county shall be placed to the credit of the county general fund.

All taxes levied under this part are a lien on the property on which they are levied and shall become a lien at the same time as county taxes. The enforcement of the collection of such taxes shall be in the same manner and by the same means provided by law for the enforcement of liens for county taxes, all the provisions of law relating to the enforcement of the latter being made a part of this part so far as applicable.

CHAPTER 7. BONDS

Article 1. Issuance

50225. The district may from time to time incur a bonded indebtedness as provided in this chapter to pay the cost of acquiring, constructing, or completing the whole or any portion of any transit facilities, or for acquiring any works, lands, structures, rights, equipment, or other property necessary or convenient to carry out the objects, purposes, or powers of the district.

50226. Whenever the board by resolution passed by vote of two-thirds of all its members determines that the public interest or necessity demands the acquisition, construction, or completion by the district of any transit facilities or any works, lands, structures, rights, equipment, or other property necessary or convenient to carry out the objects, purposes, or powers of the district, the cost of which will be too great to be paid out of the ordinary annual income and revenue of the district, it may at any subsequent meeting of the board provide by ordinance for the submission of the proposition of incurring a bonded indebtedness for the purpose set forth in the resolution to the voters of the district at a special bond election held for that purpose.

50227. In lieu of a resolution passed by the board, proceedings for the issuance of bonds for the purposes provided in this chapter may be initiated by petition of the voters of the district.

50228. Whenever any petition signed by voters within the district equal in number to at least 15 percent of the total vote cast at the last general statewide election is presented to the board asking for the acquisition, construction, or completion of the whole or any portion of any transit facilities or for acquiring any works, lands, structures, rights, equipment, or other property necessary or convenient to carry out the objects, purposes, or powers of the district, and also asking that a bonded indebtedness be incurred to pay for the cost thereof, the secretary of the district shall immediately examine and verify the signatures of the petition and certify the result of the examination to the board.

50229. If the required number of signatures is found to be genuine, the secretary shall transmit to the board an authentic copy of the petition without the signatures.

50230. Upon receiving a petition with the certificate of the secretary stating that it contains the required number of signatures, the board shall formulate for submission to the voters of the district at a special bond election called for that purpose the proposition of incurring a bonded indebtedness for the purposes set forth in the petition. In its discretion the board may defer the calling of the election until the next general election to be held in the district in order to consolidate them.

50231. The ordinance calling a special bond election shall fix the date on which the election will be held, and the manner of holding the election and of voting for or against incurring the indebtedness. It shall also recite the objects and purposes for which the indebtedness is proposed to be incurred, the estimated cost of the transit facilities, works, lands, structures, rights, equipment, or other property proposed to be acquired, constructed, or completed, the amount of the principal of the indebtedness to be incurred therefor, and the maximum rate of interest to be paid on the indebtedness, which shall not exceed 6 percent per annum, payable semiannually or annually the first year and thereafter semiannually.

50232. Propositions for incurring indebtedness for more than one object or purpose may be submitted at the same election.

50233. Any special bond election may be held separately, or may be consolidated with any other election authorized by law at which the voters of the district may vote. If a special bond election is consolidated with any other election, the provisions of this chapter setting forth the procedure for the calling and holding of the special bond election shall be complied with, except that the ordinance calling the election need not set forth the election precincts, polling places, and officers of election, but may provide that the precincts, polling places, and officers of election shall be the same as those set forth in the ordinance, notice, or other proceedings calling the election with which the special bond election is consolidated, and shall refer to the ordinance, notice, or other proceedings by number and title, or by other definite description.

50234. The ordinance shall be published, and no other notice of election need be given.

50235. The board shall comply with the provisions of Article 3 (commencing with Section 3780) of Chapter 2 of Division 4 of the Elections Code, the provisions of which are applicable to any bond election held pursuant to this article. Wherever the words "county clerk" appear in the Elections Code the words "secretary of the board" shall be substituted, for the purposes of this article, and wherever the words "board

of supervisors" appear in the Elections Code, the words "board of directors" shall be substituted, and wherever the words "district attorney or county counsel" appear in the Elections Code, the words, "attorney for the district" shall be substituted.

50236. The votes of a majority of all the voters voting on the proposition at the election are required to authorize the issuance of bonds under this chapter.

50237. If the proposition submitted at a special bond election fails to receive the requisite number of votes, the board shall not within six months after the election hold another special election for the submission of a proposition of incurring a bonded indebtedness substantially the same as the proposition voted upon at the prior election unless a petition signed by voters within the district equal in number to at least 15 percent of the total vote cast at the last general statewide election is filed with the board, requesting that the proposition, or a proposition substantially the same, be submitted at an election to be called for that purpose.

Article 2. Form and Content

50240. Bonds authorized by this chapter shall mature serially in amounts to be fixed by the board; except that payment shall begin not later than 10 years from the date thereof and shall be completed in not more than 50 years from that date.

The board may divide any issue of bonds authorized pursuant to this chapter into two or more series, and may fix different dates of issuance and different maturity dates for the bonds of each series. The bonds of each series shall mature serially in amounts to be fixed by the board, and the board shall fix a date not more than 10 years from the date of issuance of each series for the earliest maturity of such series, and shall fix a date not more than 50 years from the date of issuance of each series for the final maturity of such series.

Pending the actual issuance or delivery of bonds, a district may issue temporary or interim bonds, certificates, or receipts, of any denomination whatsoever, with or without coupon, and in such form as may be prescribed by the board, to be exchanged for definite bonds when ready for delivery.

50241. The bonds shall be issued in such denominations as the board determines, except that no bonds shall be of a denomination less than one hundred dollars ($100), nor of a greater denomination than one thousand dollars ($1,000) or any multiple thereof, and shall be payable on the day and at the place or places fixed in the bonds, and with interest at the rate specified therein, payable semiannually.

50242. The board may at any time prior to the issuance and sale of any bonds provide for the call and redemption of any or all of the bonds on any interest payment date prior to

their fixed maturity at not exceeding the par value and accrued interest plus a premium of not exceeding 5 percent upon the principal amount of the bonds, in which event the call price fixed by the board shall be set forth on the face of the bond. Notice of such redemption shall be published. If there is no newspaper of general circulation printed and published within the district, then the publication shall be made in a newspaper of general circulation printed and published within the county in which the district or any part thereof is situated. The first publication shall be at least 30 days prior to the date fixed for the redemption. After the date fixed for such redemption interest on the bonds thereafter shall cease.

50243. The bonds shall be signed by the president of the board or by such officer of the district as the board shall by resolution authorize and designate for that purpose. They shall also be signed by the treasurer, and be countersigned by the secretary. The coupons of the bonds shall be numbered consecutively and be signed by the treasurer. All signatures and countersignatures, except one of the signatures or countersignatures on the bonds, may be printed, lithographed, or engraved. If any officer whose signature or countersignature appears on the bonds or coupons ceases to be such officer before the delivery of the bonds to the purchaser, the signature or countersignature is nevertheless valid and sufficient for all purposes as if he had remained in office until the delivery of the bonds.

Article 3. Issue and Sale

50245. The bonds may be issued and sold for not less than their par value, but otherwise as the board determines. Before selling any bonds, or any part thereof, the board shall give notice inviting sealed bids in such manner as the board may prescribe. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder. If no bids are received, or if the board determines that the bids received are not satisfactory as to price or responsibility of the bidders, the board may reject all bids received, if any, and either again give notice inviting bids or sell the bonds at private sale.

50246. All premiums and accrued interest received on the sale of bonds shall be placed in the fund to be used for the payment of principal of and interest on the bonds. The remainder of the proceeds of the bonds shall be placed in the district treasury to the credit of the proper fund, and shall be used exclusively for the objects or purposes for which the bonds were voted; provided that when such objects and purposes have been accomplished any moneys remaining shall be transferred to the fund to be used for the payment of principal of and interest on the bonds, and that when all principal of and interest on the bonds shall have been paid, any balance of money then remaining shall be transferred to the general fund of the district.

50247. In lieu of the immediate levy of a tax to pay the interest or any part thereof on any bonded indebtedness incurred in accordance with this division, the board may in the estimate of the amount of money necessary to be raised by the bonds include a sum sufficient to pay interest on all of the bonds or part thereof during the period of acquisition, construction, or completion, but for no period in excess of five years.

Article 4. Refunding

50250. Whenever the board by resolution passed by a vote of two-thirds of all its members determines that the refunding of the whole or any portion of the bonded indebtedness will be of advantage to the district the board may refund the bonded indebtedness or any portion thereof and issue refunding bonds of the district therefor.

50251. The issuance of refunding bonds shall not be construed as the incurring or increase of an indebtedness within the meaning of this act, and the approval of the voters is not required for the issuance of refunding bonds. The board may provide for the call and redemption of any or all of the bonds on any interest payment date prior to their fixed maturity in the ordinance authorizing the issuance of the refunding bonds.

50252. Except as otherwise provided, the provisions of this chapter shall substantially govern as to all matters pertaining to the issuance of refunding bonds, including and without limiting the generality of the foregoing, the form, execution, issuance, maturity, redemption, refunding, validation, the payment of interest from bond funds, and the status of the bonds as investments.

50253. Refunding bonds shall bear interest at a rate not exceeding the interest rate on the refunded bonds, but payment of the refunding bonds shall begin not later than one year from the date thereof and be completed in not more than 40 years from that date.

50254. The proceeds of the sale of refunding bonds shall be applied only to the purchase, or retirement at not more than par and accrued interest, or the call price, of the bonded indebtedness for which the refunding bonds were issued.

50255. In lieu of selling refunding bonds and using the proceeds to purchase or retire the bonds to be refunded, the board may exchange refunding bonds at not less than par and accrued interest for the bonds so refunded.

50256. Whenever outstanding bonds are refunded they shall be surrendered to the treasurer of the district, who shall cancel them by endorsing on their face the manner in which the refunding was effected (whether by exchange or purchase, and the amount for which so purchased, if any) and by perforating through each bond and each coupon attached thereto the word "canceled" together with the date of cancellation.

Article 5. Status as Investments

50260. All bonds including refunding bonds issued by a district are legal investments for all trust funds and for the funds of all insurance companies, banks, both commercial and savings, and trust companies, and for the State School Fund and for all sinking funds under the control of the State Treasurer. Whenever any money or funds may by law be invested in or loaned upon the security of bonds of cities, cities and counties, counties, or school districts, in the State, such money or funds may be invested in or loaned upon the security of the bonds of the district; and whenever bonds of cities, cities and counties, counties, or school districts by law may be used as security for the faithful performance or execution of any court or private trust or of any other act, bonds of the district may be so used.

50261. All bonds of the district, to the same extent as bonds of any other municipality, are legal for use by any state or national bank or banks in the the State as security for the deposit of funds of the State or of any county, city and county, city, municipality or other public or municipal corporation within the State.

Article 6. Validation

50263. An action to determine the validity of bonds, including refunding bonds, may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

Article 7. Revenue Bonds

50265. As an alternative procedure for the raising of funds, the district may issue bonds, payable from revenues of any facility or enterprise to be acquired or constructed by the district, in the manner provided by the Revenue Bond Law of 1941 (Chapter 6 (commencing with Section 54300) of Part 1 of Division 2 of Title 5 of the Government Code), all of the provisions of which are applicable to the district.

50266. The district is a local agency within the meaning of the Revenue Bond Law of 1941 (Chapter 6 (commencing with Section 54300) of Part 1 of Division 2 of Title 5 of the Government Code). The term "enterprise" as used in the Revenue Bond Law of 1941 shall, for all purposes of this part, include transit facilities and any and all parts thereof and all additions, extensions and improvements thereto and all other facilities authorized to be acquired, constructed or completed by the district. A district may issue revenue bonds under the Revenue Bond Law of 1941, for any one or more facilities or enterprises authorized to be acquired, constructed, or completed by a district or, in the alternative, may issue revenue bonds under the Revenue Bond Law of 1941, for the acquisition, construction and completion of any one of such facilities.

Nothing in this article shall prevent the district from availing itself of, or making use of, any procedure provided in this part for the issuance of bonds of any type or character for any of the facilities or works authorized hereunder, and all proceedings may be carried on simultaneously or, in the alternative, as the directors may determine.

CHAPTER 8. ANNEXATION

50270. Territory may be annexed to the district in the manner provided in this chapter.

50271. Whenever the board finds and determines that additional territory will be benefited by annexation to the district, it shall pass a resolution to that effect.

50272. The resolution shall be passed by a vote of two-thirds of the members of the board and be approved by the board of supervisors of the county in which the territory is situated.

50273. The resolution shall:

(a) Describe the boundaries of the territory proposed to be annexed.

(b) Designate the proposed annexation by an appropriate name.

(c) Declare that the area to be annexed to the district will be benefited by such annexation.

(d) Name the time and place for the hearing of objections by any person interested in the proposed annexation.

50274. The resolution, together with the names of the members of the board, voting for and against it shall be published pursuant to Section 6066 of the Government Code in a newspaper published in the territory proposed to be annexed, or if there is no such paper, then in some newspaper of general circulation, circulated in such territory.

50275. On the day fixed for hearing or any day to which the hearing is adjourned, the board shall hear and consider any objections presented to the annexation of the territory. After the hearing of objections, if it shall be determined by a vote of two-thirds of all the members of the board that the territory proposed to be annexed will be benefited by such annexation, the board shall proceed to fix and determine the boundaries of the territory to be annexed to the district.

50276. After making all necessary and proper changes in the boundaries, by a resolution passed by a vote of two-thirds of the members, the board shall order the annexation of the territory so described. The resolution, together with the names of the members of the board voting for and against the same shall be spread upon the minutes of the board.

50277. Whenever any territory is annexed to the district it shall thereupon become a part of the district subject to all the liabilities and entitled to all the benefits of the district.

CHAPTER 9. DISSOLUTION

50500. If the district operates no transit facilities, or its exterior boundaries become coincident with the boundaries of a single city, the board may call an election at any time for the purpose of submitting to the voters of the district the question of whether the district will be dissolved. Upon the filing with the secretary of the district of a petition signed by voters within the district equal in number to at least 25 percent of the total vote cast at the last general statewide election, asking that the question of dissolution of the district be submitted to the voters of the district, the board shall call such an election.

50501. The election for the purpose of submitting to the voters of the district the question of whether or not the district shall be dissolved shall be held within 60 days next succeeding the date on which the petition is filed.

50502. Notice of any election for dissolution, whether called because of the filing of a petition or ordered by the board without petition, shall be published. The date fixed for the election shall not be less than 30 days from the date of the first publication of the notice.

50503. The ballots for the election shall contain substantially the instructions required to be printed on ballots for use at general state and county elections and in addition the following:

Shall the Stockton Metropolitan Transit District be dissolved?	YES	
	NO	

50504. The board shall canvass the vote. If a majority of the votes favor dissolution, the board shall by resolution dissolve the district

50505. The board shall file a certified copy of the resolution with the Secretary of State and for record in the office of the county recorder.

50506. Upon dissolution the right, title, and interest to property owned or controlled by the district situated within the limits of any city vests absolutely in the city. If such property is situated outside the limits of a city, it vests in the county in which it is situated.

50507. The board of supervisors is, ex officio, the governing body of any dissolved district. It may levy taxes and assessments and perform other acts necessary to wind up the district affairs and to raise money for the payment of outstanding indebtedness.

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into effect immediately. The facts constituting such necessity are:

The existing transportation facilities serving the Stockton metropolitan area are provided by several privately owned

public utilities, one of which serves the City of Stockton and which is presently subsidized by local downtown merchants and business establishments of the city. Necessity for such subsidy resulted from failure and refusal on the part of the utility serving the downtown area to arbitrate differences regarding conditions of employment with its employees causing a work stoppage to the detriment of the community served by the utility. In order to eliminate the possibility of a further stoppage of public transportation services at the expiration of the present subsidy agreement, it is necessary that this act take effect immediately.

CHAPTER 840

An act to amend Sections 13055 and 13056 of the Education Code, relating to personnel of the public school system, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 8, 1963. Filed with Secretary of State June 8, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 13055 of the Education Code is amended to read:

13055. Any person employed by a school district, including a district having the merit system as outlined in Article 5 of Chapter 3 of this division, or by a county superintendent of schools in a position in which 50 percent or more of his duties regularly performed during the school year consist of rendering service in directing, co-ordinating, supervising or administering any portion or all of the types of functions listed below in this section shall hold a valid teaching or service credential issued or renewed pursuant to this code. Those persons so employed before, on, or after the effective date of this section but prior to July 1, 1963, who held or hold valid credentials during the entire period of such employment shall be deemed to be or to have been certificated employees for the entire period of such employment. On and after July 1, 1963, no school district shall employ a person to render such service unless a person holds a valid teaching or service credential, and also holds a supervision credential or an administration credential authorizing the particular service. Any person who was employed by a district on or before February 1, 1963, to perform any of the services designated by the State Board of Education to require a supervision or administration credential, may continue to perform such services without possessing the credential otherwise required as long as he remains continuously employed to perform the same services in that district in which he was employed on that date, or is continuously employed to perform the same services in a district which results from a reorganization involving the same district. The State Board of

Education shall, on or before July 1, 1963, determine whether a supervision credential or an administration credential shall authorize the service of directing, co-ordinating, supervising or administering all or any portion or portions of the types of functions listed below in this section. On or before such date the board shall establish standards for and issue credentials authorizing such service if such service is not authorized by an administration or supervision credential which the board is authorized to issue under other provisions of law in effect on such date.

The list of functions is as follows:

(a) The work of instructors and the instructional program for pupils.

(b) Educational or vocational counseling and placement of students or teachers

(c) Planning courses of study to be used in the public schools of the State.

(d) The selection, collection, preparation, classification or demonstration of instructional materials of any course of study for use in the development of the instructional program in the schools of the State.

(e) The examination, selection, inservice training, or assignment of teachers, principals or other certificated personnel involved in the instructional program

(f) Research connected with the evaluation and efficiency of the instructional program.

(g) The school health program.

(h) Activities connected with the enforcement of the laws relating to compulsory education, co-ordination of child welfare activities involving the school and the home, and the school adjustment of pupils

(i) The school library services.

(j) The preparation and distribution of instructional materials.

(k) The inservice training of certificated personnel.

(*l*) The interpretation and evaluation of the school instructional program.

(m) The preparation of budgets of funds to be used for educational purposes.

(n) The interpretation or evaluation from an educational standpoint of equipment, material, and housing.

(o) The interpretation and evaluation of school information in terms of educational significance and from an educational standpoint or viewpoint.

SEC. 2. Section 13056 of said code is amended to read.

13056. (a) Any person employed by a school district, including a district having the merit system as outlined in Article 5 of Chapter 3 of this division, at a particular school maintained by the district, in a directing, co-ordinating, supervising, or administrative capacity in connection with the instructional or guidance program for pupils or employees in positions requiring certification qualifications shall hold a valid

teaching or service credential issued or renewed pursuant to this code.

(b) Any person employed by a school district, including a district having the merit system as outlined in Article 5 of Chapter 3 of this division, as a director, co-ordinator, or supervisor in the area of the school cocurricular program related to and an outgrowth of the instructional and guidance program of the school shall be deemed to be employed in a certificated position and shall hold a valid teaching or service credential issued or renewed pursuant to this code.

(c) Those persons so employed before, on, or after the effective date of this section but prior to July 1, 1963, who held or hold valid teaching or service credentials during the entire period of such employment shall be deemed to be or to have been certificated employees for the entire period of such employment. On and after July 1, 1963, no school district shall employ a person to render such service unless the person holds a valid teaching or service credential and also holds a supervision credential authorizing such service. Any person who was employed by a district on or before February 1, 1963, to perform any of the services designated by the State Board of Education to require a supervision credential, may continue to perform such services, without possessing the credential otherwise required as long as he remains continuously employed to perform the same services in that district which he was performing on that date. The State Board of Education shall, on or before July 1, 1963, establish standards for and issue supervision credentials authorizing such service, if such service is not authorized by an administration or supervision credential which the board is authorized to issue under other provisions of law in effect on such date.

SEC. 3. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Unless this act is to take effect immediately certain school district personnel will be unable to continue to perform certain services requiring a supervision credential.

CHAPTER 841

An act to add Sections 16606.5 and 16633.5 to the Education Code, relating to child care centers, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 8, 1963. Filed with Secretary of State June 8, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 16606.5 is added to the Education Code, to read:

16606.5. The county superintendent of schools of each county, with the approval of the county board of education, shall have the authority to establish and maintain child care centers in the same manner and to the same extent as governing boards of school districts, except that nothing in this section shall be construed as vesting in the county superintendent of schools any authority to alone effect the levy and collection of any county, school, or other local taxes for the support of any such child care center.

The establishment and maintenance of any child care center by the county superintendent of schools shall be undertaken, subject to the prior approval of the county board of education, upon the application of one or more school districts under his jurisdiction, and such establishment and maintenance shall be upon such terms and conditions as may be provided for in a written contract entered into between the county superintendent of schools and the governing board of any such district.

SEC. 2. Section 16633.5 is added to said code, to read:

16633.5. Any school district, the governing board of which has entered into a contract with the county superintendent of schools for the establishment and maintenance of a child care center pursuant to Section 16606.5, shall be deemed, for purposes of Section 16633, to be maintaining a child care center

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

There is an urgent need for all-day child care for farm laborers during the harvest season. In order that child care centers may be established and operating during the spring and summer harvests of 1963, it is necessary that this act take effect immediately.

CHAPTER 842

An act to amend Section 11524 of the Government Code, relating to administrative adjudication.

[Approved by Governor June 8, 1963. Filed with Secretary of State June 8, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 11524 of the Government Code is amended to read:

11524. The agency may grant continuances When a hearing officer of the Office of Administrative Procedure has been assigned to such hearing, no continuance may be granted except by him or by the hearing officer in charge of the appropriate regional office of the Office of Administrative Procedure, for good cause shown.

CHAPTER 843

An act to amend Section 11510 of the Government Code, relating to administrative adjudication.

[Approved by Governor June 8, 1963. Filed with Secretary of State June 8, 1963.]

The people of the State of California do enact as follows:

SECTION 1 Section 11510 of the Government Code is amended to read:

11510. (a) Before the hearing has commenced the agency, or the assigned hearing officer, shall issue subpoenas and subpoenas duces tecum at the request of any party in accordance with the provisions of Section 1985 of the Code of Civil Procedure. After the hearing has commenced the agency itself hearing a case or a hearing officer sitting alone may issue subpoenas and subpoenas duces tecum

(b) The process issued pursuant to subdivision (a) shall be extended to all parts of the State and shall be served in accordance with the provisions of Sections 1987 and 1988 of the Code of Civil Procedure No witness shall be obliged to attend at a place out of the county in which he resides unless the distance be less than 150 miles from his place of residence except that the agency, upon affidavit of any party showing that the testimony of such witness is material and necessary, may indorse on the subpoena an order requiring the attendance of such witness.

(c) All witnesses appearing pursuant to subpoena, other than the parties or officers or employees of the State or any political subdivision thereof, shall receive fees, and all witnesses appearing pursuant to subpoena, except the parties, shall receive mileage in the same amount and under the same circumstances as prescribed by law for witnesses in civil actions in a superior court. Witnesses appearing pursuant to subpoena, except the parties, who attend hearings at points so far removed from their residences as to prohibit return thereto from day to day shall be entitled in addition to fees and mileage to a per diem compensation of three dollars ($3) for expenses of subsistence for each day of actual attendance and for each day necessarily occupied in traveling to and from the hearing. Fees, mileage and expenses of subsistence shall be paid by the party at whose request the witness is subpoenaed.

CHAPTER 844

An act to amend Section 1660 of the Probate Code, relating to the investment of surplus funds of a ward's estate by the guardian.

[Approved by Governor June 8, 1963. Filed with Secretary of State June 8, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 1660 of the Probate Code is amended to read:

1660. Every guardian shall invest the surplus funds of his ward's estate in such securities or property as authorized under the laws of this State, or may deposit funds of the estate with any bank, or in an account or accounts in one or more insured savings and loan associations, but only upon prior order of the court; except that the funds may be invested, without prior court authorization, in direct unconditional interest-bearing obligations of this State or of the United States and in obligations the interest and principal of which are unconditionally guaranteed by the United States. A signed duplicate or certified copy of the petition for authority to invest shall be furnished the proper office of the Veterans Administration, and notice of hearing thereon shall be given said office as provided in the case of hearing on a guardian's account. The term "account or accounts in one or more insured savings and loan associations" used in this section has the same meaning as the corresponding term in Section 1431 of this code.

CHAPTER 845

An act to add Section 5104 to the Streets and Highways Code, relating to special assessment proceedings.

[Approved by Governor June 8, 1963 Filed with Secretary of State June 8, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 5104 is added to the Streets and Highways Code, to read:

5104. If the consent of the owner of the property is first obtained, work may be done on private property to eliminate any disparity in level or size between the improvement and driveways, housewalks, and sewers, provided that the legislative body determines in the resolution of intention to order the improvement that it is in the public interest and more economical to do such work on private property than to adjust the work on public property to eliminate such disparity. There

may be included in the estimated cost of the improvement an amount for such work, not to exceed two hundred dollars ($200) on any one lot. The actual cost of such work shall be added to the assessment of the lot on which the work is done.

CHAPTER 846

An act to add Section 203.1 to the Labor Code, relating to wages.

[Approved by Governor June 8, 1963. Filed with Secretary of State June 8, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 203.1 is added to the Labor Code, to read:

203.1. If an employer in the building and construction industry pays an employee in the regular course of employment or in accordance with Sections 201 and 202 any wages or fringe benefits, or both, by check, draft or voucher, which check, draft or voucher is subsequently refused payment because the employer or maker has no account with the bank, institution or person on which drawn or insufficient funds to his account at the time of presentation, so long as the same is presented within 30 days of receipt by the employee of the check, draft or voucher, such wages or fringe benefits, or both, shall continue as a penalty from the due date thereof at the same rate until paid or until an action therefor is commenced; but such wages and fringe benefits shall not continue for more than 30 days, provided, however, that the said penalty shall not apply if the employer can establish to the satisfaction of the Labor Commissioner or an appropriate court of law that the said violation of this section was unintentional.

CHAPTER 847

An act to amend Section 26909 of the Government Code, relating to the annual audit by county auditor.

[Approved by Governor June 8, 1963 Filed with Secretary of State June 8, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 26909 of the Government Code is amended to read:

26909. (a) The county auditor shall either make or contract with a certified public accountant or public accountant to make an annual audit of the accounts and records of every

special purpose district within the county for which an audit by a certified public accountant or public accountant is not otherwise provided. In each case the minimum requirements of the audit shall be prescribed by the State Controller and shall conform to generally accepted auditing standards.

(b) Where an audit of a district's accounts and records is made by a certified public accountant or public accountant, the minimum requirements of the audit shall be prescribed by the State Controller and shall conform to generally accepted auditing standards, and a report thereof shall be filed with the county auditor of the county in which the district is located. Such report shall be filed within 12 months of the end of the fiscal year under examination.

(c) Any costs incurred by the county auditor, including contracts with, or employment of, certified public accountants or public accountants, in making an audit of every special purpose district pursuant to this section shall be borne by the district and shall be a charge against any unencumbered funds of the district available for the purpose.

(d) For joint districts lying within two or more counties, the above provisions shall apply to the auditor of the county in which the treasury is located.

(e) The county controller, or ex officio county controller, shall effect the provisions of this section in those counties having such officer.

All special districts, whose annual budget does not exceed five hundred dollars ($500), may, by unanimous request of the governing board thereof, with unanimous approval of the board of supervisors, replace the annual special audit with an audit covering a two-year period.

CHAPTER 848

An act to repeal Section 34090.6 of the Government Code, relating to the cremation of city bonds or interest coupons.

[Approved by Governor June 8, 1963. Filed with Secretary of State June 8, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 34090.6 of the Government Code is repealed.

CHAPTER 849

An act to add Section 272 to the Revenue and Taxation Code, relating to the veterans' exemption.

[A B. 1691 having remained with the Governor 10 days (Sundays excepted), and the Legislature being in session, it became law without his signature (See Section 9516, Government Code.) Filed with Secretary of State June 8, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 272 is added to the Revenue and Taxation Code, to read:

272. If a claimant for the veterans' exemption failed to file the required affidavit pursuant to Section 255 because he was in the military service of the United States and serving outside of the continental limits of the United States between noon on the first Monday in March, and 5 o'clock p.m. on the first Monday in May, any tax or penalty or interest thereon for any fiscal year commencing during the calendar year 1963 on property to the amount of one thousand dollars ($1,000) owned by such person as to which the veterans' exemption was available for such fiscal year, shall be canceled pursuant to Article 1 (commencing with Section 4986) of Chapter 4 of Part 9 of this division as if it had been levied or charged erroneously, and, if paid, a refund thereof shall be made pursuant to Article 1 (commencing with Section 5096) of Chapter 5 of Part 9 of this division as if it had been erroneously collected.

CHAPTER 850

An act to amend Section 21715 of the Vehicle Code, relating to towing vehicles.

[Approved by Governor June 8, 1963. Filed with Secretary of State June 8, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 21715 of the Vehicle Code is amended to read:

21715. No passenger vehicle regardless of weight, or any other motor vehicle under 4,000 pounds unladen, shall draw or tow more than one vehicle in combination, except that an auxiliary dolly may be used with the towed vehicle.

This section does not apply to any vehicle drawing or towing unladen implements of husbandry.

CHAPTER 851

An act to amend Section 1027 of the Probate Code, relating to distribution of estates.

[Approved by Governor June 8, 1963. Filed with Secretary of State June 8, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 1027 of the Probate Code is amended to read:

1027. Executors or administrators, public or otherwise, must apply for distribution of an estate at the time of filing a final account. Notice of such application must be given in the manner provided in Section 1200 of the Probate Code. If the court, at the time set for the hearing of the final account, or such time thereafter to which the matter may be continued, does not distribute the entire balance of the estate remaining for distribution to known heirs, devisees or legatees entitled to succeed thereto, it must distribute to the State of California that portion of such estate not distributed to such known heirs, devisees or legatees.

Whenever it appears that the estate or any portion thereof is to be distributed to the State of California because there are no known heirs or that the estate or any portion thereof is to be distributed to heirs, devisees or legatees whose whereabouts are unknown, the executor or administrator must serve the State Controller, personally or by mail, with a copy of the petition for distribution, together with notice of the hearing thereon, specifying the date of such hearing, and a copy of the latest account filed with the court, at least 30 days prior to the date of such hearing.

If the court distributes the estate or any portion thereof to the State of California, and the distributing clause contains words otherwise creating a trust in favor of certain unknown or unidentified persons as a class, such distribution shall vest in the State of California both legal and equitable title to the property so distributed; saving, however, the right of claimants to appear and claim the estate or any portion thereof, as in this section provided.

Upon the rendition of a decree of distribution, any money distributed to the State of California shall forthwith be delivered to the State Treasurer by the executor or administrator, and all other personal property so distributed shall forthwith be delivered to the State Controller for deposit in the State Treasury.

A certified copy of the decree of distribution and of any court orders amending the same must be delivered to the State Controller by the executor or administrator at the time of making any remittance in connection with an estate.

No deposit of property in an estate shall be made in the county treasury by any executor or administrator, public or

otherwise, if the estate has previously been distributed to the State of California pursuant to this section, but such estate shall be transmitted forthwith to the State Treasurer or State Controller as provided in this section

The property so distributed shall be held by the State Treasurer for a period of five years from the date of the decree making such distribution, within which time any person may claim the estate or any part thereof in the manner provided by Title 10 of Part 3 of the Code of Civil Procedure. Rights of nonresident aliens shall be governed by the provisions of Section 1026 of this code.

Any person who does not appear and claim, as herein required, shall be forever barred, and such property, or so much thereof as is not claimed, shall vest absolutely in the State.

CHAPTER 852

An act to add Section 811.2 to, and to amend Section 828.55 of, the Agricultural Code, relating to packing of cantaloupes.

[Approved by Governor June 8, 1963. Filed with Secretary of State June 8, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 811.2 is added to the Agricultural Code, to read:

811.2. Notwithstanding the provisions of Sections 829.3 and 811.1, a smaller number of larger uniformly sized cantaloupes may be packed in standard containers numbers 41 or 42 provided the containers are marked with the exact count of cantaloupes contained therein.

SEC. 2. Section 828.55 of said code is amended to read:

828.55.	39	Standard cantaloupe crate	12	12	21⅞ or 22⅛
	40	Pony cantaloupe crate	11	11	21⅞ or 22⅛
	41	Jumbo cantaloupe crate	13 or 13½	13	21⅞ or 22⅛
	42	Cantaloupe crate	13½	13	22½
	43	Cantaloupe container	9 or 9½	13	21⅞ or 22
	44	Cantaloupe container	9 or 10	13	22 or 22⅜
	44B	Cantaloupe—2 compartment container	5½	9⅛	21⅜ or 21⅝
	44D	Cantaloupe container	9¾ to 10	12¾ to 13	16¾ to 17

Container number 41, when the depth of 13½ inches is used, shall only be considered standard when the maximum bulge of the lid does not exceed $\frac{2}{32}$ of an inch as measured from the top of the lid slat, when tightly nailed in place, to the high point of the outside top of the bulge, normally at the center of the lid.

In addition, not more than 10 percent, by count, of such containers may have a bulge exceeding the $\frac{2}{32}$ of an inch described herein.

Container number 44B shall be standard only when made as one container, and each container shall have two compartments, each compartment shall have the dimensions specified as standard for container 44B in this section.

The depth shall be measured from the bottom floor of the compartment to the underside of the overflap.

The width shall be measured across the approximate geometrical center, with the inside drape pieces pressed firmly in place as though cantaloupes were tightly packed in the compartment. Also, the maximum inside width of the combined two compartments, including the center divider, shall not exceed 19⅛ inches. Also, container 44B shall be considered standard when used without being closed.

In addition, only the following numbers of cantaloupes shall be packed in cantaloupe container number 44B as described herein: 10, 12, 16, or 20.

CHAPTER 853

An act to amend Section 829.7 of the Agricultural Code, relating to containers.

[Approved by Governor June 8, 1963. Filed with Secretary of State June 8, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 829.7 of the Agricultural Code is amended to read:

829.7. Nothing in this chapter prohibits the preparation, packing, shipment or sale of vegetables, cantaloupes, melons, or tomatoes in any "consumer package" or container not conforming to requirements of this chapter as to containers, markings or packing requirements provided in the specific commodity section for each such commodity, if each container (1) is clearly and conspicuously marked with the words "consumer package" or some similar designation, approved by the director, in letters at least one-fourth inch in height; (2) is not of a size within 15 percent of the cubical contents of any standard container defined in this chapter for such commodity; and (3) is intended for sale directly to the consumer. As used in this section, "consumer" means a person who

buys vegetables, cantaloupes, melons, or tomatoes for use as a food and not for resale.

Nothing in this section shall be construed to modify any of the provisions of this chapter relating to deception or mislabeling.

CHAPTER 854

An act to add Sections 5835.4, 5835.5, 19185, and 19202 to the Streets and Highways Code, relating to lighting systems.

[Approved by Governor June 8, 1963. Filed with Secretary of State June 8, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 5835.4 is added to the Streets and Highways Code, to read:

5835.4. The board of supervisors of any lighting maintenance district may provide for the establishment of an accumulative capital outlay fund for the replacement of obsolete lighting system equipment. The fund shall be held in reserve until appropriated in whole or in part to a specific project.

At any time after the creation of the fund, the board may transfer to it any unencumbered surplus funds remaining on hand at the end of the fiscal year after the payment of the expenses of the district.

SEC. 2. Section 5835 5 is added to said code, to read:

5835.5. Pursuant to a resolution adopted by its board of supervisors a county may lend any available county funds to a county lighting maintenance district for the replacement of obsolete lighting system equipment. Any such loan shall be repaid in approximately equal installments over a period not to exceed 10 years. Any funds lent to the district are appropriated for the purposes for which the loan was made.

SEC. 3. Section 19185 is added to said code, to read:

19185. Pursuant to a resolution adopted by the board of supervisors, a county may lend any available county funds to a highway lighting district for the replacement of obsolete lighting system equipment. Any such loan shall be repaid in approximately equal installments over a period not to exceed 10 years. Any funds lent to the district are appropriated for the purposes for which the loan was made.

SEC. 4. Section 19202 is added to said code, to read:

19202. The governing body of any highway lighting district may provide for the establishment of an accumulative capital outlay fund for the replacement of obsolete lighting system equipment. The fund shall be kept in reserve until appropriated in whole or in part to a specific project.

At any time after the creation of the fund the governing body may transfer to it any unencumbered surplus funds remaining on hand at the end of the fiscal year after the payment of the expenses of the district.

CHAPTER 855

An act to amend Sections 206, 207, 209, 212, 213, and 217 of the Fish and Game Code, relating to the Fish and Game Commission.

[Approved by Governor June 10, 1963. Filed with Secretary of State June 10, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 206 of the Fish and Game Code is amended to read:

206. In addition to any other regular or special meetings, the commission shall hold six meetings, one in October, one in December, one in April, and one in May of each year, one meeting to consider the proposals relating to fish, amphibia, and reptiles presented at the October meeting, and one meeting to consider the proposals relating to birds and mammals presented at the April meeting.

The October and December meetings shall be devoted to determining what, if any, regulations should be made pursuant to this article in relation to fish, amphibia, and reptiles and to the making of such regulations.

The April and May meetings shall be devoted to determining what, if any, regulations should be made pursuant to this article in relation to birds and mammals and to the making of such regulations.

After the October meeting the commission shall hold a fishing proposals meeting which shall be devoted to open public discussion of, and presentation of objections to, the proposals presented to the commission in October and after considering such discussion and objections, the commission, at the meeting, shall announce the regulations which it proposes to make relating to fish, amphibia, and reptiles.

After the April meeting the commission shall hold a hunting proposals meeting which shall be devoted to open public discussion of, and presentation of objections to, the proposals presented to the commission in April and, after considering such discussion and objections, the commission, at the meeting, shall announce its determinations and the regulations which it intends to make relating to birds and mammals.

The commission shall give notice of the time and place of the meetings by publishing a notice thereof in one newspaper of general circulation printed and published in each of the counties of the State, or if no newspaper of general circulation is printed and published in a county, then in a newspaper of general circulation circulated in such county, in at least one issue of such newspaper published not less than 15 days prior to the meeting; and shall also publish notice of such meetings in any publication issued by the department after determining the time and place of such meetings and prior

to the dates thereof. All meetings required by this section shall be open to the public.

SEC. 2. Section 207 of said code is amended to read:

207. The October, December and April meetings shall be in the first 10 days of the month. The May meeting shall be in the last 10 days of the month. The commission shall determine and announce the date set for the respective meetings at least 60 days in advance of the meeting.

In even-numbered years the October and April meetings shall be held in Sacramento, the fishing proposals meeting in Redding or in Red Bluff, as selected by the commission, the hunting proposals meeting in San Diego, and the December and May meetings in Los Angeles. In odd-numbered years the October and April meetings shall be in Los Angeles, the December and May meetings in Sacramento, the fishing proposals meeting in San Diego and the hunting proposals meeting in Redding or in Red Bluff, as selected by the commission.

All Sacramento and Los Angeles meetings specified in this section shall be held in state buildings.

SEC. 3. Section 209 of said code is amended to read:

209. At the fishing proposals meeting, the commission shall publicly announce the regulations which it proposes to make relating to fish, amphibia, and reptiles. At the December meeting the commission may hear and consider any objections to its proposed regulations.

SEC. 4. Section 212 of said code is amended to read:

212. At the hunting proposals meeting, the commission shall publicly announce the regulations it proposes to make relating to birds and mammals. At the May meeting the commission may hear and consider any objections to its proposed regulations.

SEC. 5. Section 213 of said code is amended to read:

213. At, or within 10 days after, the meeting in the last 10 days of May the commission may make such regulations in relation to birds and mammals, or any species or subspecies thereof, as it deems necessary to preserve, properly utilize, or maintain the best relative number of each such species or subspecies.

SEC. 6. Section 217 of said code is amended to read:

217. Within 45 days after the meeting in the first 10 days of December of each year, the commission shall publish and distribute in booklet form such regulations as shall be adopted at such meeting. Within 45 days after the meeting in the last 10 days of May of each year, the commission shall publish and distribute in booklet form such regulations as shall be adopted at such meeting.

Copies of all such publications shall be mailed to each county clerk, district attorney and judge of a municipal court or justice court throughout the State.

SEC. 7. Notwithstanding Section 207 of the Fish and Game Code, the date of the Fish and Game Commission's meeting on fishing proposals in 1963, to be held in Redding or Red Bluff, shall be determined and announced by the commission not less than 30 days prior to such meeting.

CHAPTER 856

An act to add Section 11504.5 to the Government Code, relating to administrative adjudication.

[Approved by Governor June 10, 1963. Filed with Secretary of State June 10, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 11504.5 is added to the Government Code, to read:

11504.5. In the following sections of this chapter, all references to accusations shall be deemed to be applicable to statements of issues except in those cases mentioned in subdivision (a) of Section 11505 and Section 11506 where compliance is not required.

CHAPTER 857

An act to amend Section 258 of the Probate Code, relating to inheritance.

[A.B. 940 having remained with the Governor 10 days (Sundays excepted), and the Legislature being in session, it became law without his signature. (See Section 9516, Government Code.) Filed with Secretary of State June 10, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 258 of the Probate Code is amended to read:

258. No person who has unlawfully and intentionally caused the death of a decedent, and no person who has caused the death of a decedent in the perpetration or attempt to perpetrate arson, rape, robbery, burglary, mayhem, or any act punishable under Section 288, Penal Code, shall be entitled to succeed to any portion of the estate or to take under any will of the decedent; but the portion thereof to which he would otherwise be entitled to succeed goes to the other persons entitled thereto under the provisions of this chapter or under the will of the decedent. A conviction or acquittal on a charge of murder or voluntary manslaughter shall be a conclusive determination of the unlawfulness or lawfulness of a causing of death, for the purposes of this section.

CHAPTER 858

An act to add Section 273 to the Revenue and Taxation Code, relating to the welfare exemption, and declaring the urgency thereof, to take effect immediately.

[A.B 1346, having remained with the Governor 10 days (Sundays excepted), and the Legislature being in session, it became law without his signature. (See Section 9516, Government Code.) Filed with Secretary of State June 10, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 273 is added to the Revenue and Taxation Code, to read:

273. If an organization qualified for the welfare exemption pursuant to Section 214 owned property of a kind that, as its principal place of business, qualified for the exemption on the lien date for the fiscal year commencing during the calendar year 1961 and subsequent to that lien date sold the property to a public agency for community redevelopment purposes, any tax or penalty or interest thereon for such fiscal year on other property owned by such organization which was acquired by it prior to August 1, 1961, for use as its principal place of business, and of a kind that presently qualifies for the welfare exemption and that would have so qualified for such fiscal year had it been owned by such organization on such lien date, shall be canceled pursuant to Article 1 (commencing with Section 4986) of Chapter 4 of Part 9 of this division as if it had been levied or charged erroneously and, if paid, a refund thereof shall be made pursuant to Article 1 (commencing with Section 5096) of Chapter 5 of Part 9 of this division as if it had been erroneously collected.

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Some organizations qualified for the welfare exemption were compelled to sell their property, constituting their principal place of business, to public agencies for community redevelopment purposes and purchased other property during the 1961 calendar year, after the lien date for that year, which other property was used as their principal place of business and taxed for the fiscal year 1961-62, although it would have been exempt from taxation for that year by reason of the welfare exemption had it been acquired prior to such lien date. If required to meet such tax obligation, the ability of such organization to function effectively will be seriously impaired, to the great detriment of our State. This act will remedy that situation, and in doing so the public policy of the

State for the exemption of property owned by organizations qualified for the welfare exemption, as expressed in Section 1c of Article XIII of the Constitution, will be subserved and the State as a whole will benefit.

CHAPTER 859

An act to add Chapter 3.5 (commencing with Section 175) to Division 1, Title 1, of the Government Code, relating to the common boundary between the States of Arizona and California, and ratifying an interstate compact between Arizona and California.

[Approved by Governor June 11, 1963. Filed with Secretary of State June 11, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 3.5 (commencing with Section 175) is added to Division 1 of Title 1 of the Government Code, to read:

CHAPTER 3.5. COLORADO RIVER BOUNDARY COMPACT

175. The interstate compact executed between the States of Arizona and California, as set forth in Section 176 of this chapter, fixing the location of the boundary line between the two states from the southern boundary of the State of Nevada to the point on the international boundary which is common to the boundaries of Arizona and California, and the United Mexican States, is hereby ratified and approved.

176. The provisions of the interstate compact between the States of Arizona and California referred to in Section 175 are as follows:

INTERSTATE COMPACT DEFINING THE BOUNDARY BETWEEN THE STATES OF ARIZONA AND CALIFORNIA

Article I. Purpose.

The boundary between the States of Arizona and California on the Colorado River has become indefinite and uncertain because of meanderings in the main channel of the Colorado River with the result that a state of confusion exists as to the true and correct location of the boundary, and the enforcement and administration of the laws of the two states and of the United States have been rendered difficult.

The purpose of this compact is to fix by reference to stations of longitude and latitude the location of the boundary line between Arizona and California on the Colorado River from the southern boundary of the State of Nevada to the point on

the international boundary which is common to the boundaries of Arizona and California and the United Mexican States.

Article II. Description.

The boundary between the States of Arizona and California on the Colorado River from the point where the oblique boundary between California and Nevada intersects the thirty-fifth degree of north latitude, said point being common to the boundaries of the States of Arizona, California and Nevada, to the point on the international boundary which is common to the boundaries of Arizona, California and the United Mexican States, shall be in accordance with the following description in general terms of 34 points on the boundary:

General Description of Boundary Between Arizona and California

Point No. 1. The intersection of the boundary line common to California and Nevada and the centerline of the channel of the Colorado River as constructed by the U.S. Bureau of Reclamation, said point being common to the boundaries of Arizona, California, and Nevada, where the 35th degree of north latitude intersects the centerline of said channel; thence downstream along and with the centerline of said channel to the southerly end of said construction to

Point No. 2, which is located in the center of the channel of the Colorado River approximately one-half mile northerly from the A.T.&S.F. Railway Bridge at Topock; thence downstream on a straight line to

Point No. 3, which lies in the Colorado River vertically below the centerline of the A.T.&S F. Railway tracks at a point midway face-to-face of abutments of the A.T.&S.F. Railway Bridge at Topock, Arizona; thence on a straight line downstream to

Point No. 4, which lies in the Colorado River vertically below the centerline of U.S. Highway 66 at a point where said centerline intersects the center of the center pier of the highway bridge; thence on a straight line to

Point No. 5, which lies in the Colorado River vertically below the center of the span of the gas line bridge owned by the El Paso Natural Gas Co. and the Pacific Gas and Electric Co., crossing the Colorado River at Topock, Arizona; thence downstream in a southerly direction through Havasu Lake along a line midway between the right and left shore lines of said lake as they exist at mean operating level (elevation 448 00 above Mean Sea Level), as controlled at Parker Dam to

Point No. 6, which is the center of the overflow section of Parker Dam across the Colorado River; thence downstream midway between the shore lines on the right and left banks of the Colorado River to

Point No. 7, which lies in the center of the Colorado River approximately 2,050 feet upstream from the earthfill of Headgate Rock Dam; thence on a straight line to

Point No. 8, which is the center of the earthfill of Headgate Rock Dam; thence on a straight line to

Point No. 9, which lies on the centerline of the river approximately 3,625 feet westerly from Point No. 8; thence on a straight line to

Point No. 10, which lies in the center of the Colorado River at a point where the parallel of 34° 10′ north latitude intersects said centerline; thence on a straight line to

Point No. 11, which lies in the Colorado River vertically below the centerline of Arizona Highway No. 72 midway between the abutments of the highway bridge; then down the Colorado River midway between the right and left shore lines across islands which may exist between those water lines to

Point No. 12, which is at the center of the earthfill section of the Palo Verde Diversion Dam; thence down the Colorado River midway between the shore lines on the right and left banks to

Point No. 13, which is vertically below the center of the center span of the highway bridge across the Colorado River at Ehrenberg, Arizona (U.S. Highway 60-70); thence down the Colorado River midway between the shore lines on the right and left banks to

Point No. 14, which is the center of the Cibola Bridge midway between abutments; thence down the Colorado River midway between the shore lines on the right and left banks, ignoring future channelization by the U.S. Bureau of Reclamation to

Point No. 15, which lies on the centerline of the Colorado River approximately 8,400 feet northward of the center of the overflow section of Imperial Dam; thence on a straight line to

Point No. 16, which is the center of the overflow section of Imperial Dam; thence on a straight line normal to the longitudinal axis of Imperial Dam to

Point No. 17, which lies at the intersection of the last described line with a line extending northeasterly from the center of the overflow section of Laguna Dam and normal to the longitudinal axis of the said Laguna Dam; thence southeasterly on a straight line to

Point No. 18, which is at the center of the overflow section of Laguna Dam; thence on a straight line to

Point No. 19, which lies on the centerline of the Colorado River approximately 5,800 feet southwesterly of Point 18; thence down the Colorado River midway between the shore lines on the right and left banks, around a curve to the eastward to

Point No. 20, which lies on the centerline of the Colorado River where said centerline intersects the section line between Sections 4 and 9, Township 8 South, Range 22 West, Gila and Salt River Meridian; thence departing from the river on a

westerly course along the extension of the above-mentioned section line about 0.65 mile to

Point No. 21, which will be the northwest corner of the northeast quarter of Section 8, Township 8 South, Range 22 West, Gila and Salt River Meridian, which shall be resurveyed in establishing this boundary; thence southerly along the centerline of said Section 8 about one-half mile to

Point No. 22, which is the northeast corner of the southwest quarter of Section 8, Township 8 South, Range 22 West, Gila and Salt River Meridian; thence westerly about one and one-half miles to

Point No. 23, which is the west quarter corner of Section 7, Township 8 South, Range 22 West, Gila and Salt River Meridian; thence southerly about one-half mile to

Point No. 24, which is the southwest corner of Section 7, Township 8 South, Range 22 West, Gila and Salt River Meridian; thence westerly about one mile to

Point No. 25, which is the southwest corner of Section 12, Township 8 South, Range 23 West, Gila and Salt River Meridian, thence southerly about one-half mile to

Point No. 26, which is the west quarter corner of Section 13, Township 8 South, Range 23 West, Gila and Salt River Meridian; thence westerly about 1.93 miles to

Point No. 27, which lies on the east shoulder of the north-south road through the Indian School approximately 370 feet due east of the northwest corner of the southwest quarter of the southwest quarter of Section 25, Township 16 South, Range 22 East, San Bernardino Meridian; thence southerly along and with the easterly shoulder line of the said north-south road approximately 700 feet to

Point No 28, which lies on the easterly shoulder line of said north-south road due east of the northeast corner of the stone retaining wall around the Indian School Hospital; thence due west to

Point No. 29, which is the base of the northeast corner of said retaining wall; thence southerly along and with the westerly shoulder of said north-south road to

Point No. 30, which lies on the westerly shoulder line of said north-south road 330 feet south of and approximately 110 feet east of the northeast corner of Section 35, Township 16 South, Range 22 East, San Bernardino Meridian; thence due west approximately 110 feet to

Point No. 31, which lies on the east line of Section 35, Township 16 South, Range 22 East, San Bernardino Meridian, exactly 330 feet south of the northeast corner of said Section 35, thence southerly along the east line of said Section 35 to

Point No. 32, which lies at the center of the Colorado River, i.e., midway between the north and south shore lines just downstream from the centerline of the old U. S. Highway 80 Bridge across the Colorado River; thence down the center line of the

Colorado River midway between the shore lines on the right and left banks to

Point No. 33, which is a point in the Colorado River vertically below the center of the new U. S. Highway 80 Bridge; thence down the centerline of the Colorado River midway between the shore lines on the right and left banks to

Point No. 34, which is the intersection of the centerline of the Colorado River and the International Boundary Line between California and the United Mexican States, which point is common to the boundaries of Arizona, the United Mexican States, and California.

These points will be marked on existing bridges and dams and where appropriate will be monumented. Between each of these points will be a number of subpoints not monumented. The total number of points and subpoints will approximate 234. The United States Coast and Geodetic Survey will locate the above-mentioned 34 points on the boundary by precise geodetic surveys. The Coast and Geodetic Survey will locate the remaining approximately 200 unmonumented subpoints by precise photogrammetric methods and will provide a list of the geographic positions and state coordinate positions (transverse Mercator system for Arizona and Lambert system for California) of each of the 234 points on the boundary. The approximately 200 unmonumented subpoints will be identified on copies of the aerial photographs by the State of Arizona and California to define the boundary; the Coast and Geodetic Survey will then locate the points so identified by analytic aerotriangulation (photogrammetric methods).

When the survey and boundary description has been completed by the United States Coast and Geodetic Survey and the Boundary Commissions of Arizona and California have each certified that it is in conformity with the General Description of Boundary between Arizona and California set forth herein, it shall be attached hereto and marked Exhibit "A" and made a part hereof as though fully incorporated herein as the permanent description of the boundary between the states of Arizona and California.

Article III. Ratification and Effective Date.

This compact shall become operative when it has been ratified and approved by the legislatures of the states of Arizona and California, and approved by the Congress of the United States.

Executed in duplicate this 12th day of March, A.D., One Thousand Nine Hundred and Sixty-three, at Sacramento, California.

FOR THE STATE OF ARIZONA	FOR THE STATE OF CALIFORNIA
/s/ WAYNE M. AKIN	/s/ F. J. HORTIG
WAYNE M. AKIN Chairman of the Arizona Interstate Stream Commission, Chairman	F. J. HORTIG Executive Officer, State Lands Commission, Chairman
/s/ ROBERT W. PICKRELL	/s/ STANLEY MOSK
ROBERT W. PICKRELL Attorney General, Member	STANLEY MOSK Attorney General, Member
/s/ OBED M. LASSEN	/s/ WILLIAM E. WARNE
OBED M. LASSEN State Land Commissioner, Member	WILLIAM E. WARNE Director, Department of Water Resources, Member
ATTESTED: /s/ HOWARD F. THOMPSON	ATTESTED: /s/ BERRIEN E. MOORE
HOWARD F. THOMPSON Executive Secretary Colorado River Boundary Commission of Arizona	BERRIEN E. MOORE, Executive Secretary Colorado River Boundary Commission of California

SEC. 2. Proclamation by Governor

The Secretary of State of the State of California shall transmit a duly certified copy of this act to the Governor of the State of Arizona. The Governor of this state, whenever officially advised that the State of Arizona has ratified and approved the compact set forth in Section 1 and whenever the Congress of the United States has approved the compact, shall make proclamation of that fact. A copy of such proclamation shall be published one time in one newspaper of general circulation in the county seat of Imperial, Riverside and San Bernardino Counties.

SEC. 3. *Petition to Congress*

The Congress of the United States, as soon as the State of Arizona has ratified and approved the compact set forth in

Section 1 and when Exhibit "A" has been attached thereto as provided for in the compact, is petitioned pursuant to Article I, Section 10, clause 3 of the United States Constitution, to give its consent to the compact between the States of Arizona and California, as set forth in Section 1. The Secretary of State of the State of California, in concurrence with the Secretary of State of the State of Arizona, shall transmit duly certified copies of this act to the presiding officers of the Senate and House of Representatives of the United States and to the several Senators and Representatives from the States of Arizona and California to the Congress of the United States, who are petitioned to take such action as they deem proper to procure the consent of the Congress of the United States to this compact between the States of Arizona and California.

SEC. 4. Preservation of Rights

Nothing contained in the provisions of this act, or any operation thereof, shall prejudice the titles, rights or claims of any person, public or private, natural or artificial, to any of the lands herein involved, whether such titles, rights or claims arise or exist upon the basis that the lands affected by the designation of boundary as set forth in the compact and in this act were previously a part of the State of Arizona and have now become a part of the State of California, or were previously a part of the State of California and have now become a part of the State of Arizona, or otherwise; and no person shall be prejudiced in the water rights which he now has by reason of anything contained in this act.

SEC. 5. Recordation of Documents

Upon approval by the Congress of the United States of the compact set forth in Section 1 of this act, the Secretary of State shall cause to be recorded in each of the offices of the County Recorders of Imperial, Riverside and San Bernardino Counties a certified copy of this act. As to lands theretofore considered a part of the State of Arizona which, under the terms of said compact, are within the boundaries of the State of California, from and after the date of such recording, certified copies of patents, deeds, and other instruments affecting the title to the lands which shall have been recorded in the office of the county recorder of the county in Arizona in which the lands were so considered to be located shall be accepted and recorded by the county recorder of the county in California in which the lands are located under the terms of the compact, without charge therefor. Recordings made under the provisions of this section shall have retroactive effect as constructive notice to the date of their original recording in the State of Arizona.

A true and complete copy of the compact with Exhibit "A" attached thereto shall be filed for a permanent public record in the office of the California Secretary of State by the Colorado River Boundary Commission of California, and certified copies thereof shall be filed in the office of the California State Lands Commission, and thereupon the Executive Officer of the State

Lands Commission shall cause to be recorded in Imperial, Riverside and San Bernardino Counties true copies thereof certified by him. Upon recordation thereof, such certified copy shall be notice to all persons of the particulars of the compact and survey and boundary description.

CHAPTER 860

An act to add Title 6 (commencing with Section 1350) to Part 4, Division Second, of the Civil Code, to add Section 783 to the Civil Code, to add Section 752b to the Code of Civil Procedure, to add Section 2188.3 to the Revenue and Taxation Code, and to add Section 11535.1 to the Business and Professions Code and Section 659 of the Civil Code, relating to condominiums.

[Approved by Governor June 11, 1963. Filed with Secretary of State June 11, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 783 is added to the Civil Code, to read:

783. A condominium is an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential, industrial or commercial building on such real property, such as an apartment, office or store. A condominium may include in addition a separate interest in other portions of such real property.

Such estate may, with respect to the duration of its enjoyment, be either (1) an estate of inheritance or perpetual estate, (2) an estate for life, or (3) an estate for years.

SEC. 2. Section 752b is added to the Code of Civil Procedure, to read:

752b. Where several persons own condominiums, as defined in Section 783 of the Civil Code, in a condominum project, as defined in Section 1350 of the Civil Code, an action may be brought by one or more of such persons for partition thereof by sale of the entire project, as if the owners of all of the condominiums in such project were tenants-in-common in the entire project in the same proportion as their interests in the common areas, provided, however, that a partition shall be made only upon the showing that (1) three years after damage or destruction to the project which renders a material part thereof unfit for its use prior thereto, the project has not been rebuilt or repaired substantially to its state prior to its damage or destruction, or (2) that three-fourths or more of the project has been destroyed or substantially damaged, and that condominium owners holding in aggregate more than a 50 percent interest in the common areas are opposed to repair or restoration of the project, or (3) that the project has been in existence

in excess of 50 years, that it is obsolete and uneconomic, and that condominium owners holding in aggregate more than a 50 percent interest in the common areas are opposed to repair or restoration of the project, or (4) that conditions for such a partition by sale set forth in restrictions entered into with respect to such project, pursuant to the provisions of Chapter 1 (commencing with Section 1350), Title 6, Part 4, Division Second of the Civil Code have been met.

SEC. 3. Title 6 is added to Part 4, Division Second of the Civil Code, to read:

TITLE 6. CONDOMINIUMS

CHAPTER 1. GENERAL PROVISIONS

1350. As used in this title unless the context otherwise requires:

1. "Condominium" means a condominium as defined in Section 783 of the Civil Code.

2. "Unit" means the elements of a condominium which are not owned in common with the owners of other condominiums in the project.

3. "Project" means the entire parcel of real property divided, or to be divided into condominiums, including all structures thereon.

4. "Common areas" means the entire project excepting all units therein granted or reserved.

5. "To divide" real property means to divide the ownership thereof by conveying one or more condominiums therein but less than the whole thereof.

1351. The provisions of this chapter shall apply to property divided or to be divided into condominiums only if there shall be recorded in the county in which such property lies a plan consisting of (i) a description or survey map of the surface of the land included within the project, (ii) diagrammatic floor plans of the building or buildings built or to be built thereon in sufficient detail to identify each unit, its relative location and approximate dimensions, and (iii) a certificate consenting to the recordation of such plan pursuant to this chapter signed and acknowledged by the record owner of such property and all record holders of security interests therein. Such plan may be amended or revoked by a subsequently acknowledged recorded instrument executed by the record owner of such property and by all record holders of security interests therein. Until recordation of a revocation, the provisions of this chapter shall continue to apply to such property. The term "record owner" as used in this section includes all of the record owners of such property at the time of recordation, but does not include holders of security interests, mineral interests, easements or rights of way.

1352. Unless otherwise expressly stated therein, any transfer or conveyance of a unit or an apartment, office or store

which is a part of a unit, shall be presumed to transfer or convey the entire condominium.

1353. Unless otherwise expressly provided in the deeds, declaration of restrictions or plan, the incidents of a condominium grant are as follows:

(a) The boundaries of the unit granted are the interior surfaces of the perimeter walls, floors, ceilings, windows and doors thereof, and the unit includes both the portions of the building so described and the airspace so encompassed. The following are not part of the unit: bearing walls, columns, floors, roofs, foundations, elevator equipment and shafts, central heating, central refrigeration and central air-conditioning equipment, reservoirs, tanks, pumps and other central services, pipes, ducts, flues, chutes, conduits, wires and other utility installations, wherever located, except the outlets thereof when located within the unit. In interpreting deeds and plans the existing physical boundaries of the unit or of a unit reconstructed in substantial accordance with the original plans thereof shall be conclusively presumed to be its boundaries rather than the metes and bounds expressed in the deed or plan, regardless of settling or lateral movement of the building and regardless of minor variance between boundaries shown on the plan or in the deed and those of the building.

(b) The common areas are owned by the owners of the units as tenants in common, in equal shares, one for each unit.

(c) A nonexclusive easement for ingress, egress and support through the common areas is appurtenant to each unit and the common areas are subject to such easements.

(d) Each condominium owner shall have the exclusive right to paint, repaint, tile, wax, paper or otherwise refinish and decorate the inner surfaces of the walls, ceilings, floors, windows and doors bounding his own unit.

1354. Except as provided in Section 752b of the Code of Civil Procedure, the common areas shall remain undivided, and there shall be no judicial partition thereof. Nothing herein shall be deemed to prevent partition of a cotenancy in a condominium.

1355. The owner of a project shall, prior to the conveyance of any condominium therein, record a declaration of restrictions relating to such project, which restrictions shall be enforceable equitable servitudes where reasonable, and shall inure to and bind all owners of condominiums in the project. Such servitudes, unless otherwise provided, may be enforced by any owner of a condominium in the project, and may provide, among other things:

(a) For the management of the project by one or more of the following management bodies: the condominium owners, a board of governors elected by the owners, or a management agent elected by the owners or the board or named in the declaration; for voting majorities, quorums, notices, meeting dates, and other rules governing such body or bodies; and for recordation from time to time, as provided for in the declara-

tion, of certificates of identity of the persons then composing such management body or bodies, which certificates shall be conclusive evidence thereof in favor of any person relying thereon in good faith.

(b) As to any such management body:

(1) For the powers thereof, including power to enforce the provisions of the declaration of restrictions;

(2) For maintenance by it of fire, casualty, liability, workmen's compensation and other insurance insuring condominium owners, and for bonding of the members of any management body;

(3) For provision by it of and payment by it for maintenance, utility, gardening and other services benefiting the common areas; for employment of personnel necessary for operation of the building, and legal and accounting services;

(4) For purchase by it of materials, supplies and the like and for maintenance and repair of the common areas;

(5) For payment by it of taxes and special assessments which would be a lien upon the entire project or common areas, and for discharge by it of any lien or encumbrance levied against the entire project or common areas;

(6) For payment by it for reconstruction of any portion or portions of the project damaged or destroyed;

(7) For delegation by it of its powers;

(8) For entry by it or its agents into any unit when necessary in connection with maintenance or construction for which such body is responsible;

(9) For an irrevocable power of attorney to the management body to sell the entire project for the benefit of all of the owners thereof when partition of the project may be had under Section 752b of the Code of Civil Procedure, which said power shall: (i) be binding upon all of the owners, whether they assume the obligations of the restrictions or not; (ii) if so provided in the declaration, be exercisable by less than all (but not less than a majority) of the management body; (iii) be exercisable only after recordation of a certificate by those who have power to exercise it that said power is properly exercisable hereunder, which certificate shall be conclusive evidence thereof in favor of any person relying thereon in good faith.

(c) For amendments of such restrictions which amendments, if reasonable and made upon vote or consent of not less than a majority in interest of the owners in the project given after reasonable notice, shall be binding upon every owner and every condominium subject thereto whether the burdens thereon are increased or decreased thereby, and whether the owner of each and every condominium consents thereto or not.

(d) For independent audit of the accounts of any management body.

(e) (1) For reasonable assessments to meet authorized expenditures of any management body, and for a reasonable method for notice and levy thereof, each condominium to be

assessed separately for its share of such expenses in proportion (unless otherwise provided) to its owner's fractional interest in any common areas;

(2) For the subordination of the liens securing such assessments to other liens either generally or specifically described.

(f) For the conditions upon which partition may be had of the project pursuant to Section 752b of the Code of Civil Procedure. Such right to partition may be conditioned upon failure of the condominium owners to elect to rebuild within a certain period, specified inadequacy of insurance proceeds, specified damage to the building, a decision of an arbitrator, or upon any other reasonable condition.

(g) For restrictions upon the severability of the component interests in real property which comprise a condominium as defined in Section 783 of the Civil Code. Such restrictions shall not be deemed conditions repugnant to the interest created within the meaning of Section 711 of the Civil Code; provided, however, that no such restrictions shall extend beyond the period in which the right to partition a project is suspended under Section 752b of the Code of Civil Procedure.

1356. A reasonable assessment upon any condominium made in accordance with a recorded declaration of restrictions permitted by Section 1355 shall be a debt of the owner thereof at the time the assessment is made. The amount of any such assessment plus any other charges thereon, such as interest, costs (including attorneys' fees), and penalties, as such may be provided for in the declaration of restrictions, shall be and become a lien upon the condominium assessed when the management body causes to be recorded with the county recorder of the county in which such condominium is located a notice of assessment, which shall state the amount of such assessment and such other charges thereon as may be authorized by the declaration of restrictions, a description of the condominium against which the same has been assessed, and the name of the record owner thereof. Such notice shall be signed by an authorized representative of the management body or as otherwise provided in the declaration of restrictions Upon payment of said assessment and charges in connection with which such notice has been so recorded, or other satisfaction thereof, the management body shall cause to be recorded a further notice stating the satisfaction and the release of the lien thereof.

Such lien shall be prior to all other liens recorded subsequent to the recordation of said notice of assessment except that the declaration of restrictions may provide for the subordination thereof to any other liens and encumbrances. Unless sooner satisfied and released or the enforcement thereof initiated as hereafter provided such lien shall expire and be of no further force or effect one year from the date of recordation of said notice of assessment; provided, however, that said one-year period may be extended by the management body for not to exceed one additional year by recording a written extension thereof.

Such lien may be enforced by sale by the management body, its attorney or other person authorized to make the sale, after failure of the owner to pay such an assessment in accordance with its terms, such sale to be conducted in accordance with the provisions of Sections 2924, 2924b and 2924c of the Civil Code, applicable to the exercise of powers of sale in mortgages and deeds of trust, or in any other manner permitted by law. Unless otherwise provided in the declaration of restrictions, the management body shall have power to bid in the condominium at foreclosure sale and to hold, lease, mortgage and convey the same.

1357. No labor performed or services or materials furnished with the consent of or at the request of a condominium owner or his agent or his contractor or subcontractor, shall be the basis for the filing of a lien against the condominium of any other condominium owner, or against any part thereof, or against any other property of any other condominium owner, unless such other owner has expressly consented to or requested the performance of such labor or furnishing of such materials or services. Such express consent shall be deemed to have been given by the owner of any condominium in the case of emergency repairs thereto. Labor performed or services or materials furnished for the common areas, if duly authorized by a management body provided for in a declaration of restrictions governing the property, shall be deemed to be performed or furnished with the express consent of each condominium owner. The owner of any condominium may remove his condominium from a lien against two or more condominiums or any part thereof by payment to the holder of the lien of the fraction of the total sum secured by such lien which is attributable to his condominium.

1358. Unless otherwise provided by a declaration of restrictions under Section 1355, the management body, if any, provided for therein, may acquire and hold, for the benefit of the condominium owners, tangible and intangible personal property and may dispose of the same by sale or otherwise; and the beneficial interest in such personal property shall be owned by the condominium owners in the same proportion as their respective interests in the common areas, and shall not be transferable except with a transfer of a condominium. A transfer of a condominium shall transfer to the transferee ownership of the transferor's beneficial interest in such personal property.

1359. Any deed, declaration or plan for a condominium project shall be liberally construed to facilitate the operation of the project, and its provisions shall be presumed to be independent and severable.

CHAPTER 2. ZONING

1370. Unless a contrary intent is clearly expressed, local zoning ordinances shall be construed to treat like structures,

lots, or parcels in like manner regardless of whether the ownership thereof is divided by sale of condominiums or into community apartments as defined in Section 11004 of the Business and Professions Code, rather than by lease of apartments, offices or stores.

SEC. 4. Section 11535.1 is added to the Business and Professions Code, to read:

11535.1. For purposes of Section 11535, "subdivision" includes a condominium project, as defined in Civil Code Section 1350, containing five or more condominiums, and a community apartment project, as defined in Business and Professions Code Section 11004, containing five or more parcels; but maps of such projects need not show the buildings or the manner in which the buildings or the airspace above the property shown on the map are to be divided, nor shall the governing body have the right to refuse approval of a tentative or final map of such a project on account of design or location of buildings on the property shown on the map not violative of local ordinances or on account of the manner in which airspace is to be divided in conveying the condominium. Fees and lot design requirements shall be computed and imposed with respect to such maps on the basis of parcels or lots of the surface of the land shown thereon as included in the project. Nothing herein shall be deemed to limit the power of the governing body to regulate the design or location of buildings in such a project by or pursuant to local ordinances.

SEC. 5. Section 659 of the Civil Code is amended to read:

659. Land is the material of the earth, whatever may be the ingredients of which it is composed, whether soil, rock, or other substance, and includes free or occupied space for an indefinite distance upwards as well as downwards, subject to limitations upon the use of airspace imposed, and rights in the use of airspace granted, by law.

SEC. 6. Section 2188.3 is added to the Revenue and Taxation Code, to read:

2188.3. Whenever real property has been divided into condominiums, as defined in Section 783 of the Civil Code, (a) each condominium owned in fee shall be separately assessed to the owner thereof, and the tax on each such condominium shall constitute a lien solely thereon; (b) each condominium not owned in fee shall be separately assessed, as if it were owned in fee, to the owner of the condominium or the owner of the fee or both (and the tax on each such condominium shall be a lien solely on the interest of the owner of the fee in the real property included in such condominium and on such condominium), if so agreed by the assessor in a writing of record; such an agreement shall be binding upon such assessor and his successors in office with respect to such project so long as it continues to be divided into condominiums in the same manner as that in effect when the agreement was made

CHAPTER 861

An act to amend Section 139 of the Civil Code, relating to support of spouse and children.

[Approved by Governor June 11, 1963. Filed with Secretary of State June 11, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 139 of the Civil Code is amended to read:

139. In any interlocutory or final decree of divorce or in any final judgment or decree in an action for separate maintenance, the court may compel the party against whom the decree or judgment is granted to make such suitable allowance for support and maintenance of the other party for his or her life, or for such shorter period as the court may deem just, having regard for the circumstances of the respective parties and also to make suitable allowance for the support, maintenance and education of the children of said marriage during their minority, specifying in such judgment or decree the name, age and amount of support for each child, and said decree or judgment may be enforced by the court by execution or by such order or orders as in its discretion it may from time to time deem necessary.

That portion of the decree or judgment making any such allowance or allowances, and the order or orders of the court to enforce the same, including any order for support of children based on a provision for such support in an integrated property settlement agreement, may be modified or revoked at any time at the discretion of the court except as to any amount that may have accrued prior to the order of modification or revocation.

Except as otherwise agreed by the parties in writing, the obligation of any party in any decree, judgment or order for the support and maintenance of the other party shall terminate upon the death of the obligor or upon the remarriage of the other party.

The amendments to the second paragraph of this section enacted at the 1959 Regular Session of the Legislature are effective only with respect to property settlement agreements entered into after the effective date of such amendments.

SEC. 2. The 1963 amendments to Section 139 of the Civil Code apply only with respect to property settlement agreements entered into after the effective date of such amendments.

CHAPTER 862

An act to amend Section 35311 of the Government Code, relating to the annexation of territory to cities.

[Approved by Governor June 11, 1963. Filed with Secretary of State June 11, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 35311 of the Government Code is amended to read:

35311. The city clerk of the annexing city shall cause a copy of the resolution to be published at least twice, but not oftener than once a week, in a newspaper of general circulation published in the city, and also in a newspaper of general circulation published outside of the city but in the county in which is located the territory proposed to be annexed; publication to be complete at least 20 days prior to the date set for the hearing. If there is no newspaper of general circulation published within the annexing city, he shall post a copy of the resolution not less than 20 days before the hearing in at least three conspicuous places within the territory. If proceedings are initiated by petition of the owner or owners of all of the territory to be annexed publication of the resolution outside of the city is not required.

(a) The city clerk of the annexing city shall also cause written notice of such proposed annexation to be mailed to each person to whom land within the territory proposed to be annexed, is assessed in the last equalized county assessment roll available on the date the proceedings were initiated, at the address shown on said assessment roll or as known to said clerk, and to any person who has filed his name and address and the designation of the lands in which he has any interest, either legal or equitable, with said clerk.

(b) In the event any land within the territory proposed to be annexed to a city is owned by a county, the city clerk of the annexing city shall also cause written notice of such proposed annexation to be mailed to the board of supervisors of such county.

(c) In the event any land within the territory proposed to be annexed to a city is tide or submerged land owned by the State, the city clerk of the annexing city shall also cause written notice of such proposed annexation to be mailed to the State Lands Commission. Such notice shall be given not less than 45 days before the first public hearing on the proposed annexation.

The notices referred to in subsections (a) and (b) shall be given not less than 20 days before the first public hearing on the proposed annexation; provided, that such notices need not be sent if the owner or owners of all of the territory to be annexed have petitioned for annexation or filed their consent to such annexation in writing with the legislative body.

CHAPTER 863

An act to amend Section 1120 of the Probate Code, relating to administration of testamentary trusts.

[Approved by Governor June 11, 1963. Filed with Secretary of State June 11, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 1120 of the Probate Code is amended to read

1120. When a trust created by a will continues after distribution, the superior court shall not lose jurisdiction of the estate by final distribution, but shall retain jurisdiction for the purpose of determining to whom the property shall pass and be delivered upon final or partial termination of the trust, to the extent that such determination is not concluded by the decree of distribution, of settling the accounts and passing upon the acts of the trustee, of authorizing the trustee to accept additions to the trust from sources other than the estate of the decendent, and for the other purposes hereinafter set forth. Any trustee appointed by will, or appointed to execute a trust created by will, may, from time to time pending the execution of his trust, or at the termination thereof, render for settlement his accounts and report his acts as such trustee, before the superior court in which the will was probated. For that purpose, the trustee, or, in case of his death, his legal representatives, shall present to the court his verified account and report, setting forth his accounts in detail, reporting his acts as trustee, and showing the condition of the trust estate. The trustee may also petition such court, from time to time, for instructions as to the administration of the trust and for authority to accept additions to the trust from any source or sources other than the estate of the decedent.

When it appears from the allegations of the petition that the trustee seeks instructions to exercise a power not conferred upon him the petition shall set forth the particulars of and the necessity for the action sought to be taken.

The clerk shall set the account and report or petition for settlement or hearing by the court and give notice thereof for the period and in the manner required by Section 1200 of this code. The trustee shall cause notice of the hearing to be mailed to the beneficiaries, including all persons in being who shall or may participate in the corpus or income of the trust, at their last known addresses, as provided in said Section 1200, whether they have requested special notice or given notice of appearance or not. In addition to the above notice, when the petition relates to the exercise of a power not conferred, a copy of the petition shall be attached to and mailed with copies of the notice which are mailed and the court or judge shall, at least 10 days before such return day, appoint a suitable person who shall appear and act as guardian ad litem of any benefi-

ciary, or person in being who shall or may participate in the corpus or income of the trust, who is a minor or person of unsound mind, and as guardian ad litem of any person or persons of a designated class, who are not ascertained, or who are not in being, and who may become beneficiaries or may so participate in said trust. None of the provisions of Section 373 of the Code of Civil Procedure shall apply to such appointment.

CHAPTER 864

An act to add Article 3 (commencing with Section 6871) to Chapter 8, Division 6, of the Education Code, relating to the education of physically handicapped minors for whom no school district, county superintendent of schools or the State of California has appropriate special education facilities and services for enrolling such minors.

[Approved by Governor June 11, 1963 Filed with Secretary of State June 11, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Article 3 (commencing with Section 6871) is added to Chapter 8, Division 6, of the Education Code, to read:

Article 3. Education of Physically Handicapped Minors for Whom No School District, County Superintendent of Schools, or the State of California Has Appropriate Special Education Facilities and Services for Enrolling Such Minors

6871. With the approval of the Superintendent of Public Instruction any school district having a physically handicapped minor as defined by this chapter for whom special education facilities and services are not available and cannot be reasonably provided under the provisions of Article 1 (commencing with Section 6801) of this chapter and Article 9 (commencing with Section 8901) of Chapter 6, Division 7, and for whom the State of California has no appropriate special education facilities and services, may, in lieu of establishing and maintaining the needed special education facilities and services at an unreasonable cost to the district, pay to the parent or guardian of such minor toward the tuition for such minor, enrolled in a public or private nonsectarian school within or outside of California offering the special education facilities and services made necessary by the minor's physical disabilities, an amount not to exceed the sum per unit of average daily attendance of the regular state apportionment to the district for the fiscal year in question, the maximum amount allowable per unit of average daily attendance for reimbursing for excess current expenses under Section

18102, and the amount per unit of average daily attendance provided from revenue derived from district taxation for the support of the schools of the district.

6872. A school district having a physically handicapped minor receiving the benefits of special education facilities and services under the provisions of Section 6871 shall report the attendance of such minor and submit any claim the district may have for the regular and special purpose apportionment to be used in payment to the parent or guardian of such minor toward any tuition arising out of such attendance through the county superintendent of schools to the Superintendent of Public Instruction. The aforementioned report and claim shall be submitted at the time and in the manner prescribed by the Superintendent of Public Instruction. The county superintendent of schools shall verify the attendance reported and claim submitted in the manner prescribed by the Superintendent of Public Instruction.

6873. Upon verification of the attendance reported and the claim submitted, the Superintendent of Public Instruction shall apportion to the school district submitting the report and the claim of the parent or guardian of such minor for the tuition in question an amount sufficient to satisfy the claim but not in excess of the sum per unit of average daily attendance of the regular state apportionment to the district for the fiscal year in question and the maximum amount allowable per unit of average daily attendance for reimbursement of excess current expenses under Section 18102. The apportionment shall be made from the funds provided for the regular and special purpose apportionments for the fiscal year in question.

CHAPTER 865

An act to amend Sections 16480 and 16481 of the Vehicle Code, relating to financial responsibility laws.

[Approved by Governor June 11, 1963. Filed with Secretary of State June 11, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 16480 of the Vehicle Code is amended to read:

16480. (a) The department shall upon request cancel any bond or any certificate of insurance, or the department shall direct the return to the person entitled thereto of any money or securities deposited pursuant to this code as proof of ability to respond in damages, or the department shall waive the requirement of filing proof of ability to respond in damages in any of the following events:

(1) When the person is no longer required to maintain such proof under the provisions of this code.

(2) At any time after three years from the date the proof was required when, during the three-year period immediately preceding the request, the person required to furnish the proof has not been convicted of any offense authorizing or requiring the suspension or revocation of a license by the department, and has not suffered suspension or revocation of license upon order of the department or a court arising from a conviction of a violation of the law.

(3) Upon the death of the person on whose behalf such proof was filed.

(4) The permanent incapacity of such person to operate a motor vehicle if such person surrenders for cancellation his driver's license and, if suspended under the provisions of Section 16370, the registration cards and license plates issued for all motor vehicles registered in his name to the department.

(b) The department shall not release proof filed by the bond of individual sureties as set forth in Section 16434, or if given in the manner prescribed by Section 16435, if any action for damages upon a liability referred to in this code is then pending or if any judgment upon any such liability is outstanding and unsatisfied An affidavit of the applicant of the nonexistence of such facts shall be prima facie evidence thereof.

SEC. 2. Section 16481 of said code is amended to read:

16481. Any proof requirement in this code may be ended at the election of the department eight years after the date the proof was required if the records of the department do not show existence of any of the circumstances set forth in paragraph (2) of Section 16480.

CHAPTER 866

An act to amend Sections 1129, 1307, 1755.5, and 1760.7 of, and to repeal Section 1760 6 of, the Welfare and Institutions Code, relating to the Youth Authority.

[Approved by Governor June 11, 1963. Filed with Secretary of State June 11, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 1129 of the Welfare and Institutions Code is amended to read:

1129. No boy shall be returned to the court as feebleminded, under the provisions of Section 780 of this code, unless such feeblemindedness has been established through investigation by the Youth Authority or some qualified person approved by the authority.

SEC. 2 Section 1307 of said code is amended to read:

1307. The term "delinquent juvenile" as used in the Interstate Compact on Juveniles shall include those persons

subject to the jurisdiction of the juvenile court within the meaning of Section 602 of this code

SEC. 3. Section 1755.5 of said code is amended to read:

1755.5. Notwithstanding any provisions of Section 506 or Section 510, the Youth Authority may transfer to and cause to be confined in the Medical Facility, the Correctional Training Facility at Soledad, the California Institution for Women at Corona, the California Rehabilitation Center, or the California Institution for Men under the jurisdiction of the Department of Corrections for general study, diagnosis, and treatment, or any of them, any person over the age of 18 years who is subject to the custody, control, and discipline of the Youth Authority; and the Director of Corrections may receive and keep in any of the said institutions any person so transferred thereto by the Youth Authority, with the same powers as if the person had been placed therein or transferred thereto pursuant to the provisions of the Penal Code.

The provisions of Part 3 of the Penal Code, so far as those provisions may be applicable, apply to persons so transferred to and confined in the institutions, except that, whenever by reason of any law governing the commitment of a person to the Youth Authority or to an institution under the jurisdiction of the Youth Authority the person is deemed not to be a person convicted of a crime, the transfer or placement of the person in the Medical Facility, the Correctional Training Facility at Soledad, the California Institution for Women at Corona, the California Rehabilitation Center, or the California Institution for Men shall not affect the status or rights of the person and shall not be deemed to constitute a conviction of a crime. Section 644 of the Penal Code shall not apply to any person who has been placed in the Medical Facility, the Correctional Training Facility at Soledad, the California Institution for Women at Corona, the California Rehabilitation Center or the California Institution for Men by the Youth Authority pursuant to this section, in respect to the time he remains therein under such placement.

SEC. 4. Section 1760.6 of said code is repealed.

SEC. 5. Section 1760.7 of said code is amended to read:

1760.7. The director shall investigate, examine, and make reports upon adult and juvenile probation

The director may establish standards for the performance of probation duties, and upon request consult with and make investigations and recommendations to probation officers, probation committees and to judges of the superior courts, including such judges as are designated juvenile court judges of any county

The director may also, upon request, establish standards for the operation and maintenance of juvenile halls established pursuant to Article 14 (commencing with Section 850) of Chapter 2 of Part 1 of Division 2 of this code, and for the training and qualifications of personnel who are to serve in

such halls He may, upon request, consult with, make investigations for, and recommendations to probation officers, probation committees, and to judges of the superior courts, including such judges as are designated juvenile court judges of any county, to aid them in the operation and maintenance of their juvenile halls.

CHAPTER 867

An act to amend Sections 5069, 7158, 7159, 7173, 7177, 7178, 7179, 7180, 7183, 7400, 8705, and 8714 of, to repeal Section 7406 of, and to add Sections 5073, 8703.1, 8703.2, and 8707.5 to, the Financial Code, relating to savings and loan associations.

[Approved by Governor June 11, 1963. Filed with Secretary of State June 11, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 5069 of the Financial Code is amended to read:

5069. "Stockholder" means the holder of stock. "Substantial stockholder," means with reference to an association, the record or beneficial owner of more than 10 percent of the outstanding guarantee stock of the association, and, with reference to any other corporation, the record or beneficial owner of more than 10 percent of the outstanding voting stock of such corporation. For the purposes of this section, stock owned by members of a person's immediate family shall be added to that owned by that person.

SEC. 2. Section 5073 is added to said code, to read:

5073. "Member of the immediate family" of any person means the spouse, and the children, parents, sisters and brothers and any one to whom any of the foregoing are married, if any such relative is a member of such person's household.

SEC. 3. Section 7158 of said code is amended to read:

7158. An association may make loans secured by the pledge of notes evidencing loans not in excess of association loan limits which are secured by property upon which the association might make a direct loan, if such collateral loans at no time exceed 90 percent of the unpaid principal of the notes pledged as collateral security.

SEC. 4. Section 7159 of said code is amended to read:

7159. An association may make loans secured by the pledge of bonds, treasury certificates, notes, or other securities referred to in subdivision (c), (d), (e), (f), (g), (h), and (j) of Section 6702 to the extent of not more than 90 percent of the unpaid principal amount or market value thereof, whichever is less, if at the time of such loans the association would be authorized to invest in such bonds, treasury certificates, notes or other securities in an amount at least equal to such

unpaid principal amount or market value, whichever is less All notes evidencing such collateral loans shall provide for additional principal payments sufficient to reduce immediately the loan balances to 90 percent of the market value of the col lateral security.

SEC. 5. Section 7177 of said code is amended to read:

7177. No association knowingly shall directly or indirectly make any loans to a substantial stockholder, or to any officer, director, or employee of such association, nor to any member of the immediate family of the persons above enumerated, either for himself or as agent or as partner of another, other than loans wholly secured by the pledge of its shares or investment certificates. No association may acquire any loans from any of the persons above enumerated No association shall knowingly make any loans, the proceeds of which are intended to inure to the benefit of any of the persons above enumerated

SEC. 6. Section 7178 of said code is amended to read:

7178. No association shall make any loan to any corporation of which a majority of the stock is owned or controlled individually or collectively by any one or more of the directors, officers, or substantial stockholders of such association, except with the consent of the commissioner. No association, except with the consent of the commissioner, shall knowingly make any loans, the proceeds of which are intended to inure to the benefit of any such corporation.

SEC. 7. Section 7173 of said code is amended to read:

7173 Without written consent of the commissioner, no association shall commit itself to make loans aggregating more than an amount determined as (a), the sum of:

(1) Cash on hand and in banks, including time and term deposits.

(2) Cash which can be realized upon the sale or redemption of investments made pursuant to subdivisions (c), (d), (e), (f), (g), (h), (j), (l) and (m) of Section 6702. For calculating cash which can be realized, only those investments for which a ready market exists shall be considered, and only at current market prices.

(3) Irrevocable commitments for cash due within one year, from recognized financial institutions, for the purchase by them of loans or for the purchase of other authorized investments of the association.

(4) Total amount of credit available for loan purposes from the Federal Home Loan Bank

(5) Total amount of credit available for loan purposes, as evidenced by firm commitments, from other recognized financial institutions, but not to exceed limits imposed upon such borrowings by Section 6717

reduced by (b), the sum of:

(1) Funds due borrowers for loans in process.

(2) Interest accrued on full paid investment certificates.

(3) Dividends accrued on full paid shares.

(4) Dividends declared and unpaid on guarantee stock.

(5) Total borrowings outstanding from the Federal Home Loan Bank for loan purposes applicable to the credit available for loan purposes.

(6) Other borrowings by association.

(7) All other liabilities payable within one year, but not including liability for investment certificates nor for withdrawable shares, nor for interest or dividends thereon.

SEC. 8. Section 7179 of the said code is amended to read:

7179. An association may make loans to any corporation in which any director, officer, or substantial stockholder of such association together with his immediate family is a minority stockholder, on authorization of or confirmation within 30 days after making such loan by the affirmative vote of all the disinterested directors of such association present at the meeting authorizing or confirming such loan, when such affirmative vote constitutes a majority of all the directors The interested director, officer, or substantial stockholder or members of his immediate family shall not vote or participate in any manner in the approval of the loan. The authorization or confirmation shall be entered upon the records or minutes of the association. Such loan shall in all other particulars comply with the other provisions of this part.

SEC. 9. Section 7180 of said code is amended to read:

7180. If a loan is made to a corporation as set forth in Section 7179, and if the director, officer, or substantial stockholder of the association together with his immediate family owns more than five percent (5%) of the outstanding capital stock of such corporation, or if any two or more officers, directors, or substantial stockholders or the immediate families of such persons own more than twenty percent (20%) of the outstanding capital stock of such corporation, the association shall file reports with the commissioner showing the following:

(a) The fact of making the loan.

(b) The names of the directors authorizing or confirming the loan.

(c) The corporate name of the borrower.

(d) The name of each director, officer, or substantial stockholder of the association who is a stockholder, officer, or director of the corporation to which the loan is made.

(e) The amount of stock held by the officer, director, or substantial stockholder together with his immediate family in such borrowing corporation.

(f) The amount of the loan, the rate of interest thereon, the time when the loan becomes due, the amount, character and value of the security given therefor, and the fact of final payment, when made.

SEC. 10. Section 7183 of said code is amended to read:

7183. Any officer, director, or stockholder of any association who knowingly violates any of the provisions of Sections 7177, 7178, 7179, 7180, 7181, or 7182, is guilty of a felony.

SEC. 11. Section 7400 of said code is amended to read:

7400. The rates of return on shares or investment certificates which do not provide for a definite rate of return thereon shall be determined by the board of directors of the association during, or within 30 days before the beginning of, or within 30 days after the end of, each quarterly or semiannual period. On the next business day following any such determination which provides for a change in the rate of return the board shall mail to the commissioner a certified copy of its resolution making the determination. The rate of return is subject to the approval of the commissioner when an association which issues investment certificates or stock, has matured withdrawal claims.

SEC. 12. Section 7406 of said code is repealed.

SEC. 13. Section 8703.1 is added to said code, to read:

8703.1. Each association, making construction loans for either off-site or on-site improvements, shall prepare and maintain in its files inspection records signed by an inspector approved by its board of directors. The inspection record shall be prepared with sufficient detail to enable determination whether the amount advanced by the association conforms to the ratio of loan to value set forth in Section 7156.

SEC. 14. Section 8703.2 is added to said code, to read:

8703.2. Each association granting a single loan for more than $50,000, or total loans to one borrower in excess of $75,000, shall obtain a financial statement from the borrower. The financial statement shall be signed by the borrower under penalty of perjury and shall state that it was prepared prior to, and submitted for the purpose of, obtaining a loan or loans from the association. When the borrower is not a natural person, the general partners of a partnership, the substantial stockholders of a corporation, or the major owners of any other type of business entity shall be disclosed on the financial statement.

SEC. 15. Section 8705 of said code is amended to read:

8705. "Original loans," as used in this section, includes all loans other than loans made by an association for the purpose of facilitating the sale of property owned by such association or loans made pursuant to Sections 6705 through 6705.6, inclusive. Each association, subject to rules and regulations prescribed by the commissioner, shall segregate the following in any statement of its financial condition:

(a) Loans which comply as of the date of such statement with the requirements of this part for original loans.

(b) (1) Contracts by an association for the sale of real property to any person other than an affiliated person and (2) loans made by an association for the purpose of facilitating the sale of property owned by such association to a person other than an affiliated person until such loans comply with the requirements of this part for original loans (3) Loans made by an association pursuant to Section 6705.1, 6705.2, 6705.4, 6705.6 and on leaseholds created pursuant to Section

6705.3 to a person other than an affiliated person until such loans comply with the requirements of this part for original loans.

(c) (1) Contracts by an association for the sale of real property to any affiliated person, and (2) loans made by an association for the purpose of facilitating the sale of real property by an association to any affiliated person until such loans comply with the requirements of this part for original loans. (3) Loans made by an association pursuant to Sections 6705.1, 6705.2, 6705.4, 6705.6 and on leaseholds created pursuant to Section 6705.3 to an affiliated person until such loans comply with the requirements of this part for original loans.

SEC. 16. Section 8707 5 is added to said code to read:

8707.5 Each association shall report to the commissioner in writing whenever a majority of the guarantee stock is sold or transferred in any one transaction or related series of transactions. The report shall be submitted within ten days of receipt of notice by the association of a change in the ownership of a majority of the stock. The report shall include the names of the stockholders acquiring majority control and the number of shares held by each.

SEC. 17. Section 8714 of said code is amended to read:

8714. Each association shall mail once in each year within 60 days after the close of its fiscal year to each of the investors of the association a copy of a financial statement showing in such form and detail as the commissioner requires, the amount and character of the assets and liabilities of the association at the end of its preceding fiscal year. Any association in lieu of mailing such financial statements to its investors may publish a copy of such financial statement in any newspaper of general circulation published in the city in this State in which its principal office is located and in like newspapers published in each city in this State in which a branch of the association is located.

CHAPTER 868

An act to repeal Sections 9052 and 9053.4 of, to amend Section 9053.1 of, and to repeal and add Section 9053 3 of, the Public Resources Code, relating to soil conservation.

[Approved by Governor June 11, 1963 Filed with Secretary of State June 11, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 9052 of the Public Resources Code is repealed.

SEC. 2. Section 9053.1 of said code is amended to read:

9053.1. The commission may purchase with money from the Soil Conservation Development Fund and rent to a district or sell, on a rental-purchase agreement or otherwise, to a district

equipment and machinery suitable for work relating to soil conservation, including ditching machinery, grading machinery, soil-moving machinery, tractors, and other machinery and equipment useful for the actual operations of soil conservation projects and equipment, machinery, and buildings suitable for servicing, repairing, maintaining, transporting and housing of that equipment. Of the money made available to the commission under this article not more than 25 percent shall be used for the purchase of equipment, machinery and buildings suitable for servicing, repairing, maintaining, transporting, or housing equipment. Nothing in this article prohibits the purchasing of equipment of any kind from a district. Of the money available to the commission to carry out the provisions of this section, the commission shall limit the equipment which may be purchased under this section by any one district to approximately fifty thousand dollars ($50,000), but in no case shall the amount exceed sixty thousand dollars ($60,000) for any one district. In the event any district already possesses more equipment than the limits herein provided, the commission shall reduce the equipment purchased by the district to conform to the limits herein provided, by January 1, 1956.

Nothing in this section shall prohibit the commission from purchasing or holding equipment in its possession which it deems vital to the needs of the soil conservation districts and renting such equipment at rental rates approved by the Department of Finance to any soil conservation district.

SEC. 3. Section 9053.3 of said code is repealed.

SEC. 4. Section 9053 3 is added to said code, to read:

9053.3. The commission shall charge interest on the amount outstanding on the rental-purchase agreements authorized in Section 9053.1 in an amount sufficient to repay the actual costs of the commission in administering the rental-purchase agreements, but in no event shall such interest exceed 5 percent per annum of the unpaid balance of the such agreements.

SEC. 5. Section 9053.4 of said code is repealed.

CHAPTER 869

An act to repeal Chapter 1 7 (commencing with Section 147) of Division 1 of the Welfare and Institutions Code, relating to solicitation of charitable contributions.

[Approved by Governor June 11, 1963 Filed with Secretary of State June 11, 1963]

The people of the State of California do enact as follows:

SECTION 1. Chapter 1.7 (commencing with Section 147) of Division 1 of the Welfare and Institutions Code is repealed.

CHAPTER 870

An act to amend Sections 15502, 15507, 15509, 15519, 15520 and 15524 of the Corporations Code, relating to limited partnerships.

[Approved by Governor June 11, 1963 Filed with Secretary of State June 11, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 15502 of the Corporations Code is amended to read:

15502. (1) Two or more persons desiring to form a limited partnership shall

(a) Sign and acknowledge a certificate, which shall state

I. The name of the partnership,

II. The character of the business,

III. The location of the principal place of business,

IV. The name and place of residence of each member; general and limited partners being respectively designated,

V. The term for which the partnership is to exist,

VI. The amount of cash and a description of and the agreed value of the other property contributed by each limited partner,

VII. The additional contributions, if any, agreed to be made by each limited partner and the times at which or events on the happening of which they shall be made,

VIII. The time, if agreed upon, when the contribution of each limited partner is to be returned,

IX. The share of the profits or the other compensation by way of income which each limited partner shall receive by reason of his contribution,

X. The right, if given, of a limited partner to substitute an assignee as contributor in his place, and the terms and conditions of the substitution,

XI. The right, if given, of the partners to admit additional limited partners,

XII. The right, if given, of one or more of the limited partners to priority over other limited partners, as to contributions or as to compensation by way of income, and the nature of such priority,

XIII. The right, if given, of the remaining general partner or partners to continue the business on the death, retirement, or insanity of a general partner,

XIV. The right, if given, of a limited partner to demand and receive property other than cash in return for his contribution, and

XV. The right, if given, of a limited partner to vote upon any of the matters described in subdivision (b) of Section 15507, and the vote required for election or removal of general partners, or to cause other action to be effective as to the limited partnership.

(b) Record said certificate in the office of the recorder of the county in which the principal place of business of the partnership is situated.

(2) A limited partnership is formed if there has been substantial compliance in good faith with the requirements of paragraph one.

(3) If the partnership has places of business situated in, or holds title to real property in, different counties, it shall cause either such recorded certificate, or a copy of such recorded certificate, certified by the recorder in whose office it is recorded, to be recorded in the office of the recorder of each such different county.

(4) Recording of the certificate in accordance with (1)(b) above or recording of the recorded certificate or a copy thereof in accordance with (3) above shall create the same conclusive presumptions as provided in Section 15010.5 of this code; any other person claiming to be a partner who has been omitted from any such statement shall have the right to record a corrective statement as provided in said Section 15010.5.

SEC. 2. Section 15507 of said code is amended to read:

15507. (a) A limited partner shall not become liable as a general partner unless, in addition to the exercise of his rights and powers as a limited partner, he takes part in the control of the business.

(b) A limited partner shall not be deemed to take part in the control of the business by virtue of his possessing or exercising a power, specified in the certificate, to vote upon matters affecting the basic structure of the partnership, including the following matters or others of a similar nature:

(I) Election or removal of general partners.

(II) Termination of the parnership.

(III) Amendment of the partnership agreement.

(IV) Sale of all or substantially all of the assets of the partnership.

(c) The statement of powers set forth in subdivision (b) shall not be construed as exclusive or as indicating that any other powers possessed or exercised by a limited partner shall be sufficient to cause such limited partner to be deemed to take part in the control of the business within the meaning of subdivision (a).

SEC. 3. Section 15509 of said code is amended to read:

15509. (1) A general partner shall have all the rights and powers and be subject to all the restrictions and liabilities of a partner in a partnership without limited partners, except that without the written consent or ratification of the specific act by all the limited partners, a general partner or all of the general partners have no authority to

(a) Do any act in contravention of the certificate,

(b) Do any act which would make it impossible to carry on the ordinary business of the partnership,

(c) Confess a judgment against the partnership,

(d) Possess partnership property, or assign their rights in specific partnership property, for other than a partnership purpose,

(e) Admit a person as a general partner,

(f) Admit a person as a limited partner, unless the right so to do is given in the certificate,

(g) Continue the business with partnership property on the death, retirement or insanity of a general partner, unless the right so to do is given in the certificate.

(2) In the event of the removal or failure of re-election of a general partner, pursuant to the vote of the limited partners in accordance with the certificate, such general partner shall cease to be liable as such upon the filing of an amended certificate of limited partnership as provided in Sections 15524 and 15525 hereof, and compliance by the partnership or the partner with all of the requirements of notice and publication of a former partner in a partnership without limited partners.

SEC. 4. Section 15519 of said code is amended to read:

15519. (1) A limited partner's interest is assignable.

(2) A substituted limited partner is a person admitted to all the rights of a limited partner who has died or has assigned his interest in a partnership.

(3) An assignee, who does not become a substituted limited partner, has no right to require any information or account of the partnership transactions, to inspect the partnership books, or to vote on any of the matters as to which a limited partner would be entitled to vote pursuant to the provisions of Section 15507 and the certificate of limited partnership; he is only entitled to receive the share of the profits or other compensation by way of income, or the return of his contributions, to which his assignor would otherwise be entitled.

(4) An assignee shall have the right to become a substituted limited partner if all the members (except the assignor) consent thereto or if the assignor, being thereunto empowered by the certificate, gives the assignee that right.

(5) An assignee becomes a substituted limited partner when the certificate is appropriately amended in accordance with Section 15525.

(6) The substituted limited partner has all the rights and powers, and is subject to all the restrictions and liabilities of his assignor, except those liabilities of which he was ignorant at the time he became a limited partner and which could not be ascertained from the certificate.

(7) The substitution of the assignee as a limited partner does not release the assignor from liability to the partnership under Sections 15506 and 15517.

SEC. 5. Section 15520 of said code is amended to read:

15520. The retirement, death, insanity, removal or failure of re-election of a general partner dissolves the partnership, unless the business is continued by the remaining general partners and/or the general partner or general partners elected in place thereof

(a) Under a right so to do stated in the certificate, or

(b) With the consent of all members.

SEC. 6. Section 15524 of said code is amended to read:

15524. (1) The certificate shall be canceled when the partnership is dissolved or all limited partners cease to be such.

(2) A certificate shall be amended when

(a) There is a change in the name of the partnership or in the amount or character of the contribution of any limited partner,

(b) A person is substituted as a limited partner,

(c) An additional limited partner is admitted,

(d) A person is admitted as a general partner,

(e) A general partner retires, dies, or becomes insane, and the business is continued under Section 15520,

(f) There is a change in the character of the business of the partnership,

(g) There is a false or erroneous statement in the certificate,

(h) There is a change in the time as stated in the certificate for the dissolution of the partnership or for the return of a contribution,

(i) A time is fixed for the dissolution of the partnership, or the return of a contribution, no time having been specified in the certificate,

(j) The members desire to make a change in any other statement in the certificate in order that it shall accurately represent the agreement between them, or

(k) There is a change in the right to vote upon any of the matters described in subdivision (b) of Section 15507.

SEC. 7. The provisions of this act shall be construed as clarification and a continuation of existing law and shall not be construed as constituting changes therein.

CHAPTER 871

An act to amend Sections 117j, 117l, 983, 985, 986, 988g, 988h, 988i, and 988j of, to add Section 985.5 to, to renumber and amend the heading of Chapter 4 (commencing with Section 983) of Title 13 of Part 2 of, and to repeal Sections 117jj, 117k, and 117n and Chapter 3 (commencing with Section 972) of Title 13 of Part 2 of, the Code of Civil Procedure, relating to appeals in small claims cases and civil cases in justice courts.

[Approved by Governor June 11, 1963. Filed with Secretary of State June 11, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 117j of the Code of Civil Procedure is amended to read:

117j. The judgment of said court shall be conclusive upon the plaintiff. If the defendant is dissatisfied, he may appeal to the superior court of the county in which said court is held. He shall pay, for filing the papers in the superior court, the same fee as is charged and collected on the appeal of a civil action from a justice court, and if final judgment is rendered against him in such superior court, then he shall pay, in addition to said judgment, an attorney's fee to the plaintiff in the sum of fifteen dollars ($15). No fee shall be charged in the superior court upon the filing of any document or paper by the plaintiff in a small claims action.

On appeal the action shall be tried anew. The practice and procedure on appeal and the time and manner in which records on appeal shall be made up and filed shall be prescribed in rules adopted by the Judicial Council.

If, in an unlawful detainer proceeding in a small claims court pursuant to Section 117, judgment is for plaintiff, proceedings on the judgment are automatically stayed, without the filing of a bond by defendant, until the expiration of the time for appeal, and, if an appeal is perfected, until the appeal is decided.

SEC. 2. Section 117*l* of said code is amended to read:

117*l*. The notice of appeal shall be accompanied by a bond substantially in the following form:

In the small claims court of _____, County of _____, State of California.

_____ Plaintiff,
vs.
_____ Defendant,

WHEREAS the above-entitled court in the above-entitled action did on the __ day of _____, 19___, enter judgment in favor of the plaintiff and against the defendant in the sum of __ _____ dollars (_____); and

WHEREAS the defendant is about to appeal to the superior court of the State of California in and for the above-named county;

Now, therefore, the undersigned do hereby undertake and promise that if said judgment is affirmed, in whole or in part, or the appeal from such judgment dismissed, then and in that event, the appellant will pay the amount directed to be paid by said judgment, or the part of such amount as to which the judgment is affirmed, if affirmed only in part, and all costs which may be awarded against appellant on appeal; and that if the appellant does not make such payment within 20 days after the entry by the clerk of said superior court of the modification or affirmation of said judgment or within such addi-

tional period as may be provided by rules of the Judicial Council, that then judgment may be entered, on motion of respondent, in his favor and against the undersigned sureties for such amount, together with the interest that may be due thereon, costs which may be awarded against the appellant on appeal and also the sum of fifteen dollars ($15) as an attorney fee.

Dated this ____ day of _____, 19____.

_____,

_____,

Sureties.

State of California,
City and County
or County of_____ } ss.

_____ and _____,

the sureties named in the above bond, being first duly sworn, each for himself and not one for the other, deposes and says that he is a _____ holder and resident within said city and county or county and within said State, and is worth the sums hereinabove mentioned, over and above all of his debts and liabilities, exclusive of property exempt from execution.

_____

_____

Subscribed and sworn to before me this ____ day of _____, 19 ___.

_____

Notice of the filing of the undertaking on appeal must be given to respondent within five days after filing the same. Within five days after the service of such notice upon respondent the adverse party may except to the sufficiency of the sureties, and unless they or other sureties justify before the judge of said small claims court within five days thereafter, upon notice to the adverse party, to the amounts stated in their affidavits, the appeal must be regarded as if no such undertaking had been given.

SEC. 3. The heading of Chapter 4 (commencing with Section 983) of Title 13 of Part 2 of said code is renumbered and amended to read:

CHAPTER 3. APPEALS FROM MUNICIPAL AND JUSTICE COURTS

SEC. 4. Section 983 of said code is amended to read:

983. (a) An appeal may be taken from a municipal or justice court on questions of law alone, in the following cases:

1. From a final judgment entered in an action or special proceeding commenced therein or transferred thereto from another court;

2. From an order granting a new trial or denying a motion for judgment notwithstanding the verdict;

3. From an order discharging or refusing to discharge an attachment;

4. From an order changing or refusing to change the place of trial;

5. From an order granting or dissolving an injunction, or refusing to grant or dissolve an injunction;

6. From an order appointing a receiver;

7. From any special order made after final judgment;

8. From an order granting a motion to quash service of summons.

(b) An appeal may also be taken from the final judgment of a justice court on questions of fact or on questions of both law and fact. On such appeal the action shall be tried anew.

SEC. 5. Section 985 of said code is amended to read:

985. If a stay of execution is desired on any appeal from a municipal or justice court taken pursuant to subdivision (a) of Section 983, an undertaking must be filed on the part of the appellant with two or more sureties, for the sums and containing the conditions hereinafter stated, to wit:

1. When the judgment or order is for the recovery of money, the undertaking shall be for a sum equal to twice the amount of the judgment, including costs, and must be conditioned that if the judgment or order appealed from, or any part thereof, be affirmed or the appeal withdrawn or dismissed, the appellant will pay the amount directed to be paid by such judgment or order, or the part of such amount as to which the judgment or order is affirmed, if affirmed only in part, and that if the appellant does not make such payment within 30 days after the filing of the remittitur from the reviewing court in the court from which the appeal was taken, judgment may be entered on motion of the respondent in his favor against the sureties for such amount, together with the interest that may be due thereon and the damages and costs which may be awarded against the appellant on the appeal;

2. When the judgment is for the recovery of specific personal property, the undertaking shall be for a sum equal to twice the value of the property and the costs included in the judgment, and must be conditioned that the appellant will pay the judgment appealed from, including costs, and obey the order of the court made therein, if the appeal be withdrawn or dismissed or the judgment be affirmed;

3. When the judgment directs the delivery of possession of real property, the undertaking shall be for such sum as may be fixed by a judge of the court, and must be conditioned that during the possession of such property by the appellant, he will not commit, or suffer to be committed, any waste thereon, and that if the appeal be withdrawn or dismissed, or the judgment affirmed, he will pay the value of the use and occupation of the property from the time of the appeal until the delivery of possession thereof, not exceeding the sum specified in the undertaking;

4. If the judgment direct the sale of personal property upon the foreclosure of a mortgage or other lien thereon, the undertaking shall be for such amount as may be fixed by a judge of the court, and must be conditioned that the appellant will, on demand, deliver the said property to the proper officer, if the appeal be withdrawn or dismissed or the judgment affirmed, and that in default of such delivery the appellant and sureties will, on demand, pay to the proper officer the full value of such property at the date of the appeal.

A deposit with the clerk of the court, or judge if there be no clerk, of such sum as is provided for in any paragraph of this section shall be equivalent to the filing of an undertaking to stay execution in the sum provided for in such paragraph. Upon the affirmance of the judgment or order appealed from, or the withdrawal or dismissal of the appeal, the court may order any money so deposited to be applied in accordance with the conditions required for the undertaking in place of which it was deposited.

SEC. 6. Section 985.5 is added to said code, to read:

985.5. An appeal from a judgment in a justice court pursuant to subdivision (b) of Section 983 is not effectual for any purpose, unless an undertaking be filed with two or more sureties in the sum of one hundred dollars ($100) for the payment of the costs on the appeal, or, if a stay of proceedings be claimed, in the sum of one hundred dollars ($100) plus a sum equal to twice the amount of the judgment, including costs, when the judgment is for the payment of money; or plus twice the value of the property including costs, when the judgment is for the recovery of specific personal property; and must be conditioned, when the action is for the recovery of money, that the appellant will pay the amount of the judgment appealed from, and all costs, if the appeal be withdrawn or dismissed, or the amount of any judgment and all costs that may be recovered against him in the action in the reviewing court.

When the action is for the recovery of or to enforce or foreclose a lien on specific personal property, the undertaking must be conditioned that the appellant will pay the judgment and costs appealed from, and obey the order of the court made therein, if the appeal be withdrawn or dismissed, or any judgment and costs that may be recovered against him in said action in the reviewing court, and will obey any order made by the court therein.

When the judgment appealed from directs the delivery of possession of real property, the execution of the same cannot be stayed unless a written undertaking be executed on the part of the appellant, with two or more sureties, to the effect that during the possession of such property by the appellant, he will not commit, or suffer to be committed any waste thereon, and that if the appeal be dismissed or withdrawn, or judgment be recovered against him in the action in the reviewing court, he will pay the value of the use and occupation of the property from the time of the appeal until the delivery

of possession thereof; or that he will pay any judgment and costs that may be recovered against him in said action in the reviewing court, not exceeding a sum to be fixed by the judge of the court from which the appeal is taken, and which sum must be specified in the undertaking.

A deposit of the sum of one hundred dollars ($100) for the payment of the costs on the appeal, or if a stay of proceedings be claimed, in the sum of one hundred dollars ($100) plus the amount of the judgment, including all costs appealed from, or plus the value of the property, including all costs, in actions for the recovery of specific personal property, with the judge is equivalent to the filing of the undertakings above provided for, and in such cases, the judge must transmit the money to the clerk of the superior court, to be by him paid out on the order of the reviewing court.

SEC. 7. Section 986 of said code is amended to read:

986. The undertaking must be filed within five days after the filing of the notice on appeal, and notice of the filing of the undertaking must be given to the respondent. The adverse party may except to the sufficiency of the sureties within five days after service of written notice of the filing of the undertaking, and unless they or other sureties justify before a judge, or the clerk, of the court within five days thereafter, upon notice to the adverse party, to the amounts stated in their affidavits, proceedings may be had as if no such undertaking had been given.

SEC. 8. Section 988g of said code is amended to read:

988g. Upon the final determination by the reviewing court of an appeal taken pursuant to subdivision (a) of Section 983, the clerk of said court must remit to the municipal or justice court a certified copy of the judgment of the reviewing court and of its opinion, if any. The clerk of the municipal court must file such certified copy of the judgment and opinion of the reviewing court, must attach the same to the judgment roll if the appeal was from a judgment, and must enter a note of the judgment of the reviewing court stating whether the judgment or order appealed from has been affirmed, reversed or modified, in the margin of the original entry of such judgment or order, and also in the register of actions. The clerk of the justice court, or the judge if there be no clerk, shall file the certified copy of the judgment in such an appeal in the records of the court and shall enter a note of the judgment of the reviewing court in the margin of the docket opposite the original entry of such judgment or order.

SEC. 9. Section 988h of said code is amended to read:

988h. Upon an appeal from a municipal or justice court taken pursuant to subdivision (a) of Section 983, the reviewing court may review the verdict or decision and any intermediate ruling, proceeding, order or decision which involves the merits or necessarily affects the judgment or order appealed from or which substantially affects the right of a party, including, on any appeal from the judgment, any order

on motion for a new trial, and may affirm, reverse or modify any judgment or order appealed from, and may direct the proper judgment or order to be entered, and may, if necessary or proper, direct a new trial or further proceedings to be had. The respondent, or party in whose favor the judgment was given, may, without appealing from such judgment, request the court to and it may review any of the foregoing matters for the purpose of determining whether or not the appellant was prejudiced by the error or errors upon which he relies for reversal or modification of the judgment from which the appeal is taken. If a new trial is ordered by the reviewing court, it must be had in the superior court to which the appeal was taken unless the appeal is from a municipal court in which case the new trial must be had in the court from which the appeal was taken. If it appears to the reviewing court that any appeal was taken solely for delay, it may, on dismissal of such appeal or affirmance of the judgment or order appealed from, add to the costs of appeal such damages as may be just, not exceeding 25 percent of the judgment appealed from, if it be a judgment for money, or 25 percent of the value of the property if it be a judgment for the recovery of specific personal property.

SEC. 10. Section 988i of said code is amended to read:

988i. In all cases in which the appeal is taken pursuant to subdivision (a) of Section 983 and where trial by jury is not a matter of right or where trial by jury has been waived, the reviewing court may make findings of fact contrary to or in addition to those made by the municipal or justice court. Such findings may be based on the evidence adduced before the trial court either with or without the taking of evidence by the reviewing court. The reviewing court may for the purpose of making such findings of fact or for any other purpose in the interests of justice, take additional evidence of or concerning facts occurring at any time prior to the decision of the appeal, and may give or direct the entry of any judgment or order and make such further or other order as the case may require. The mode of procedure for taking such additional evidence may be regulated by the rulemaking authority. This section shall be liberally construed to the end among others that wherever possible causes may be finally disposed of by a single appeal and without further proceedings in the trial court except where the interests of justice require a new trial in the municipal court.

SEC. 11. Section 988j of said code is amended to read:

988j. In appeals from municipal or justice courts in civil cases, the practice and procedure on appeal, and the time and manner in which records on appeal shall be made up and filed, shall be prescribed in rules adopted by the Judicial Council.

SEC. 12. Section 117jj of said code is repealed.

SEC. 13. Section 117k of said code is repealed.

SEC. 14. Section 117n of said code is repealed.

SEC. 15. Chapter 3 (commencing with Section 972) of Title 13 of Part 2 of said code is repealed.

SEC. 16. This act shall become operative July 1, 1964, and shall not govern any appeal from the justice court in a civil action for which a notice of appeal was filed prior to said date. Appeals in such cases shall not be affected by this act.

CHAPTER 872

An act to add Sections 170.7 and 170.8 to the Code of Civil Procedure, relating to judges.

[Approved by Governor June 11, 1963. Filed with Secretary of State June 11, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 170.7 is added to the Code of Civil Procedure, to read:

170.7. Section 170.6 does not apply to a judge designated or assigned to serve on the appellate department of a superior court in his capacity as a judge of such department.

SEC. 2. Section 170.8 is added to said code, to read:

170.8. When there is no judge of a court qualified to hear an action or proceeding, the clerk or, if there be no clerk, the judge shall forthwith notify the Chairman of the Judicial Council of that fact. The judge assigned by the Chairman of the Judicial Council shall hear the action or proceeding at the time fixed therefor or, if no time has been fixed or good cause appears for changing the time theretofore fixed, the judge shall fix a time for hearing in accordance with law and rules and hear the action or proceeding at the time so fixed.

CHAPTER 873

An act to amend Sections 68847 and 69143, to add Article 4 (commencing with Section 68926) to Chapter 3 of Title 8, and to repeal Sections 68848 to 68859, inclusive, 69144 to 69153, inclusive, and 69155, of the Government Code, relating to fees in the Supreme Court and district courts of appeal.

[Approved by Governor June 11, 1963. Filed with Secretary of State June 11, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 68847 of the Government Code is amended to read:

68847. The Clerk of the Supreme Court shall collect in advance the fees specified in Article 4 (commencing with Section 68926) of this chapter.

SEC. 2. Section 69143 of said code is amended to read:

69143. The clerk of each of the district courts of appeal shall collect in advance the fees specified in Article 4 (commencing with Section 68926) of Chapter 3 of this title.

SEC. 3. Article 4 (commencing with Section 68926) is added to Chapter 3 of Title 8 of said code, to read:

Article 4. Fees in the Supreme Court and District Courts of Appeal

68926. The fee for filing the record on appeal in a civil case appealed to the Supreme Court or to a district court of appeal is fifty dollars ($50) for each notice of appeal contained therein. The fee for filing a petition for a writ within the original civil jurisdiction of those courts is fifty dollars ($50). Such fees are in full for all services through the rendering of the judgment or the issuing of the remittitur or peremptory writ except the fee imposed by Section 68927.

68927. The fee for filing a petition for hearing in a civil case in the Supreme Court after decision in a district court of appeal is twenty-five dollars ($25).

68928. The fee for copies of any record or document in the office of the Clerk of the Supreme Court or the clerk of a district court of appeal is the prevailing commercial rate as determined by the clerk. The Supreme Court and each district court of appeal may waive the charge for copies of opinions furnished to parties to the litigation and other interested persons.

68929. The fee for comparing any document requiring a certificate is five cents ($0.05) a folio, except that when the document to be compared was printed or typewritten from the same type or at the same time as the original on file and has been corrected in all respects to conform with it, such charge shall be one cent ($0.01) a folio. Such fee is in addition to the fee for the certificate.

68930. The fee for each certificate under seal is one dollar ($1).

68931. There shall be no fee for administering oaths for verification of claims against the State.

68932. For all other services not specified in this article the fee shall be the same as that prescribed by law for similar services by notaries public.

SEC. 4. Section 68848 of said code is repealed.

SEC. 5. Section 68849 of said code is repealed.

SEC. 6. Section 68850 of said code is repealed.

SEC. 7. Section 68851 of said code is repealed.

SEC. 8. Section 68852 of said code is repealed.

SEC. 9. Section 68853 of said code is repealed.

SEC. 10. Section 68854 of said code is repealed.
SEC. 11. Section 68855 of said code is repealed.
SEC. 12. Section 68856 of said code is repealed.
SEC. 13. Section 68857 of said code is repealed.
SEC. 14. Section 68858 of said code is repealed.
SEC. 15. Section 68859 of said code is repealed.
SEC. 16. Section 69144 of said code is repealed.
SEC. 17. Section 69145 of said code is repealed.
SEC. 18. Section 69146 of said code is repealed.
SEC. 19. Section 69147 of said code is repealed.
SEC. 20. Section 69148 of said code is repealed.
SEC. 21. Section 69149 of said code is repealed
SEC. 22. Section 69150 of said code is repealed.
SEC. 23. Section 69151 of said code is repealed.
SEC. 24. Section 69152 of said code is repealed.
SEC 25. Section 69153 of said code is repealed.
SEC. 26. Section 69155 of said code is repealed.

CHAPTER 874

An act to amend Section 581 of the Code of Civil Procedure, relating to dismissal of actions.

[Approved by Governor June 11, 1963. Filed with Secretary of State June 11, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 581 of the Code of Civil Procedure is amended to read:

581. An action may be dismissed in the following cases:

1. By plaintiff, by written request to the clerk, filed with the papers in the case, or by oral or written request to the judge where there is no clerk, at any time before the actual commencement of trial, upon payment of the costs of the clerk or judge; provided, that a counter claim has not been set up, or affirmative relief sought by the cross-complaint or answer of the defendant. If a provisional remedy has been allowed, the undertaking shall upon such dismissal be delivered by the clerk or judge to the defendant who may have his action thereon. A trial shall be deemed to be actually commenced at the beginning of the opening statement of the plaintiff or his counsel, and if there shall be no opening statement, then at the time of the administering of the oath or affirmation to the first witness, or the introduction of any evidence.

2. By either party, upon the written consent of the other. No dismissal mentioned in subdivisions 1 and 2 of this section shall be granted unless upon the written consent of the attorney of record of the party or parties applying therefor, or if such consent is not obtained upon order of the court after notice to such attorney.

3. By the court, when either party fails to appear on the trial and the other party appears and asks for the dismissal, or when a demurrer is sustained without leave to amend, or when, after a demurrer to the complaint has been sustained with leave to amend, the plaintiff fails to amend it within the time allowed by the court, and either party moves for such dismissal.

4. By the court, with prejudice to the cause, when upon the trial and before the final submission of the case, the plaintiff abandons it.

5. The provisions of subdivision 1, of this section, shall not prohibit a party from dismissing with prejudice, either by written request to the clerk or oral or written request to the judge, as the case may be, any cause of action at any time before decision rendered by the court. Provided, however, that no such dismissal with prejudice shall have the effect of dismissing a counterclaim or cross-complaint filed in said action or of depriving the defendant of affirmative relief sought by his answer therein. Dismissals without prejudice may be had in either of the manners provided for in subdivision 1 of this section, after actual commencement of the trial, either by consent of all of the parties to the trial or by order of court on showing of just cause therefor.

CHAPTER 875

An act to amend Section 581d of the Code of Civil Procedure, relating to dismissal of actions.

[Approved by Governor June 11, 1963. Filed with Secretary of State June 11, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 581d of the Code of Civil Procedure is amended to read:

581d. A written dismissal of an action shall be entered in the clerk's register or in the docket in the justice court, as the case may be, and is effective for all purposes when so entered.

All dismissals ordered by the court shall be in the form of a written order signed by the court and filed in the action or in the docket in the justice court, as the case may be, and such orders when so filed shall constitute judgments and be effective for all purposes, and the clerk in superior and municipal courts shall note such judgments in his register of actions in the case.

CHAPTER 876

An act to amend Section 8191 of the Streets and Highways Code, relating to separation of grade districts.

[Approved by Governor June 11, 1963. Filed with Secretary of State June 11, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 8191 of the Streets and Highways Code is amended to read:

8191. The order shall fix the day of the election, shall describe the exact location of each project for which bonds are to be issued, shall specify the amount of the bond issue for each project, and shall state in general terms that the money raised from the sale of the bonds for each project shall be used only for the acquisition of rights-of-way for and the construction of, the project for which bonds shall have been issued. If the election is called for the payment of a contract entered into by the commission the order shall state the terms of the contract in such manner as will advise the electors of its contents. Any money raised by means of a bond issue which remains on hand after the acquisition of rights-of-way and construction have been completed, shall be expended in the betterment and maintenance of the project for which the bonds have been voted or for payment on the principal of the bonds.

CHAPTER 877

An act to add Section 680.2 to the Harbors and Navigation Code, relating to undocumented vessels.

[Approved by Governor June 11, 1963. Filed with Secretary of State June 11, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 680.2 is added to the Harbors and Navigation Code, to read:

680.2. The commission shall promulgate rules and regulations setting forth requirements relative to establishing proof of ownership to be submitted by the owner at the time of filing initial application for a certificate of number and a certificate of ownership. The issuance of a certificate of ownership or certificate of number under this chapter shall not in any way be construed that the Division of Small Craft Harbors is warranting or guaranteeing the title of the vessel as it appears on such certificates.

CHAPTER 878

An act to amend Sections 416.1, 527, and 1005 of the Code of Civil Procedure, relating to time for notice of motion.

[Approved by Governor June 11, 1963. Filed with Secretary of State June 11, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 416.1 of the Code of Civil Procedure is amended to read:

416.1. Any defendant or cross-defendant upon whom service of summons has been made may serve and file, on or before the last day on which he is required to plead, or within such further time as the court may for good cause allow, a notice of motion to quash the service of summons, upon the ground of lack of jurisdiction of the court over him. The notice shall designate as the time of making such motion a date not more than 15 days following the filing of such notice of motion. In the event of the service and filing of such motion, the time of the moving party to plead to the complaint or cross-complaint shall be extended, and no default may be entered against him, until the expiration of 15 days following service upon him of written notice of entry of an order of the court denying the motion. Upon good cause being shown, the court may extend the latter 15-day period for an additional period not exceeding 20 days. Neither an application to the court by any defendant or cross-defendant for an extension of time within which to plead, nor the granting of such extension nor entering into a stipulation of the parties for such extension, shall constitute a general appearance by said defendant or cross-defendant.

SEC. 2. Section 527 of said code is amended to read:

527. An injunction may be granted at any time before judgment upon a verified complaint, or upon affidavits if the complaint in the one case, or the affidavits in the other, show satisfactorily that sufficient grounds exist therefor. A copy of the complaint or of the affidavits, upon which the injunction was granted, must, if not previously served, be served therewith.

No preliminary injunction shall be granted without notice to the opposite party; nor shall any temporary restraining order be granted without notice to the opposite party, unless it shall appear from facts shown by affidavit or by the verified complaint that great or irreparable injury would result to the applicant before the matter can be heard on notice. In case a temporary restraining order shall be granted without notice, in the contingency above specified, the matter shall be made returnable on an order requiring cause to be shown why the injunction should not be granted, on the earliest day that the business of the court will admit of, but not later than

15 days from the date of such order. When the matter first comes up for hearing the party who obtained the temporary restraining order must be ready to proceed and must have served upon the opposite party at least two days prior to such hearing, a copy of the complaint and of all affidavits to be used in such application and a copy of his points and authorities in support of such application; if he be not ready, or if he shall fail to serve a copy of his complaint, affidavits and points and authorities, as herein required, the court shall dissolve the temporary restraining order. The defendant, however, shall be entitled, as of course, to one continuance for a reasonable period, if he desire it, to enable him to meet the application for the preliminary injunction. The defendant may, in response to such order to show cause, present affidavits relating to the granting of the preliminary injunction, and if such affidavits are served on the applicant at least two days prior to the hearing, the applicant shall not be entitled to any continuance on account thereof. On the day upon which such order is made returnable, such hearing shall take precedence of all other matters on the calendar of said day, except older matters of the same character, and matters to which special precedence may be given by law. When the cause is at issue it shall be set for trial at the earliest possible date and shall take precedence of all other cases, except older matters of the same character, and matters to which special precedence may be given by law.

SEC. 3. Section 1005 of said code is amended to read:

1005. When a written notice of a motion is necessary, it must be given at least 10 days before the time appointed for the hearing.

The court, or a judge thereof, may prescribe a shorter time.

CHAPTER 879

An act to amend Section 28111 of the Government Code, relating to compensation for public service in Fresno County.

[Approved by Governor June 11, 1963. Filed with Secretary of State June 11, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 28111 of the Government Code is amended to read:

28111. In a county of the 11th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor ten thousand dollars ($10,000) a year.

(b) The district attorney, nineteen thousand two hundred dollars ($19,200) a year. He shall devote his entire time during office hours to the work of the county and the State and is prohibited from engaging in private work within office hours.

(c) The chairman of the board of supervisors, twelve thousand dollars ($12,000) a year, and each other supervisor, nine thousand six hundred dollars ($9,600) a year, for all services. In addition, each member who uses a privately owned automobile in the discharge of necessary official duties as supervisor shall be paid for the use of the automobile the following sums:

(1) In supervisorial districts containing five hundred (500) miles of road or less, fifty dollars ($50) a month.

(2) In supervisorial districts containing more than five hundred (500) miles, but less than seven hundred fifty (750) miles of road, seventy-five dollars ($75) a month.

(3) In supervisorial districts containing road mileage in excess of seven hundred fifty (750) miles, one hundred dollars ($100) a month.

(d) Grand jurors and trial jurors in the superior court, municipal court, and justice courts, five dollars ($5) a day while engaged in the performance of the duties required of them by law, and mileage at the rate of fifteen cents ($0.15) per mile one way only.

The county officers provided for in this section shall receive as compensation for the services required of them by law or by virtue of their offices, the salaries and expenses set forth, except that the members of the board of supervisors, auditor, and district attorney shall be allowed all actual expenses which are necessary to the performance of their duties. The expenses and the salaries designated in this section for such officers, except as specifically provided, shall be full and complete compensation for giving their entire time and attention to the duties required of them by law or which are for any reason imposed upon or performed by them under the laws of or on behalf of the United States, this State, any political subdivision thereof, or any public corporation.

All other fees, statutory mileage, or other remuneration or compensation of any kind or character received by such officers or their deputies from the United States, this State, any political subdivision thereof, or any public corporation shall be paid into the county treasury, except that this requirement does not apply to that portion of any fees collected which is authorized by statute to be paid to other persons or is necessarily diverted to other persons for the purpose of carrying out the objects of the statute.

CHAPTER 880

An act to add Section 1191 to the Civil Code, relating to proof and acknowledgment.

[Approved by Governor June 11, 1963. Filed with Secretary of State June 11, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 1191 is added to the Civil Code, to read:

1191. The certificate of acknowledgment of an instrument by a public corporation, agency or political subdivision of the State of California, must be substantially in the following form:

State of _____}
County of _____} ss.

On this _____ day of _____, in the year _____, before me _____,
(here insert the name and quality of the officer)
personally appeared _____, known to me (or proved to me on the oath of _____) to be _____ of
(title of the officer)
_____
(name of the public corporation, agency or political subdivision)
and known to me to be the person who executed the within instrument on behalf of said public corporation, agency or political subdivision, and acknowledged to me that such _____ executed the same.
(public corporation, agency or political subdivision)

SEC. 2. The provisions of this act shall not become operative until January 1, 1964.

CHAPTER 881

An act to amend Section 43610.1 of the Government Code, relating to bonds in cities.

[Approved by Governor June 11, 1963. Filed with Secretary of State June 11, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 43610.1 of the Government Code is amended to read:

43610.1. The ordinance may provide that the estimated cost stated therein of the public improvements includes any or all of the following:

(a) Legal or other fees incidental to or connected with the authorization, issuance and sale of the bonds.

(b) The costs of printing the bonds and other costs and expenses incidental to or connected with the authorization, issuance and sale of the bonds.

If such statement is made, the proceeds of the sale of the bonds may be used to pay such of the foregoing as are stated in the ordinance.

This section shall not be construed to authorize a city to use the proceeds of the sale of bonds for a purpose for which it could not use its general fund.

CHAPTER 882

An act to add Section 576 to the Code of Civil Procedure, relating to pretrial conferences.

[Approved by Governor June 11, 1963. Filed with Secretary of State June 11, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 576 is added to the Code of Civil Procedure, to read:

576. Any judge, at any time before or after commencement of trial, in the furtherance of justice, and upon such terms as may be proper, may allow the amendment of any pleading or pretrial conference order.

CHAPTER 883

An act to add Section 139.5 to the Civil Code, relating to support of children.

[Approved by Governor June 11, 1963. Filed with Secretary of State June 11, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 139.5 is added to the Civil Code, to read:

139.5. In any divorce action the court may direct that payments for support of children be made to the probation officer or county clerk or any other county officer the court designates. The district attorney may appear or be directed by the court to appear, on behalf of the children, in any proceedings to enforce such order. Expenses of the probation officer, county clerk or other county officer designated by the court, and district attorney incurred in enforcement of such order, and any fees for service of process in enforcement of such order, shall be a charge on the county.

CHAPTER 884

An act to amend Section 25450.5 of the Government Code, relating to county property.

[Approved by Governor June 11, 1963. Filed with Secretary of State June 11, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 25450.5 of the Government Code is amended to read:

25450.5. In any county, it is unlawful to split or separate into smaller work orders or projects any public work project for the purpose of evading the provisions of this article requiring public work to be done by contract after competitive bidding. Every person who willfully violates the provisions of this section is guilty of a misdemeanor.

CHAPTER 885

An act to add Section 37902.1 to the Government Code, relating to public works.

[Approved by Governor June 11, 1963. Filed with Secretary of State June 11, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 37902.1 is added to the Government Code, to read:

37902.1. It shall be unlawful to split or separate into smaller work orders or projects any public work project for the purpose of evading the provisions of this article requiring public work to be done by contract after competitive bidding. Every person who willfully violates this provision of this section is guilty of a misdemeanor.

CHAPTER 886

An act to amend Sections 35121.1 and 35313.2 of the Government Code, relating to annexation of territory by cities.

[Approved by Governor June 11, 1963. Filed with Secretary of State June 11, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 35121.1 of the Government Code is amended to read:

35121.1. The city legislative body shall find and declare by resolution adopted at the hearing or within 30 days after

the closing of the hearing on protests whether or not a majority protest has been made. If it does not adopt such a resolution within such period, it shall be deemed to have adopted on the 30th day a resolution that a majority protest has been made.

If a resolution finding and declaring that a majority protest is made is adopted or deemed adopted, no further proceedings for the annexation of any of the same territory to the city shall be taken for one year after the date of the adoption of the resolution.

SEC. 2. Section 35313.2 of said code is amended to read:

35313.2. The city legislative body shall find and declare by resolution adopted at the hearing or within 30 days after the closing of the hearing on protests whether or not a majority protest has been made. If it does not adopt such a resolution within such period, it shall be deemed to have adopted on the 30th day a resolution that a majority protest has been made.

If a resolution finding and declaring that a majority protest is made is adopted or deemed adopted, no further proceedings for the annexation of any of the same territory to the city shall be taken for one year after the date of the adoption of the resolution.

CHAPTER 887

An act to amend Sections 5552, 5553, 5555, 6359, and 25502 of the Education Code, relating to adult education.

[Approved by Governor June 11, 1963. Filed with Secretary of State June 11, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 5552 of the Education Code is amended to read:

5552. The secondary schools of the State are designated as high schools, technical schools, adult schools, and junior colleges.

SEC. 2. Section 5553 of said code is amended to read:

5553. The high schools of the State are designated as four-year high schools, junior high schools, senior high schools, continuation high schools, and evening high schools. Evening high schools may be designated as adult schools.

SEC. 3. Section 5555 of said code is amended to read:

5555. Adult schools, evening high schools and evening junior colleges shall consist of classes for adults. Minors may be admitted to such classes pursuant to Section 6355.

SEC. 4. Section 25502 of said code is amended to read:

25502. Junior colleges may be maintained as separate day or evening junior colleges or in conjunction with any day or evening high school. Evening junior colleges may be designated as adult schools.

SEC. 5. Section 6359 of said code is amended to read:

6359. Classes for adults may be maintained in conjunction with day or evening high schools or day or evening junior colleges, or day or evening adult schools.

CHAPTER 888

An act to amend Section 22505 of the Vehicle Code, relating to highway parking.

[Approved by Governor June 11, 1963. Filed with Secretary of State June 11, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 22505 of the Vehicle Code, is amended to read:

22505. (a) The Department of Public Works with respect to highways under its jurisdiction may place signs prohibiting or restricting the parking of vehicles where in its opinion, as evidenced by resolution or order entered in its minutes, such parking is dangerous to those using the highway or where the parking of vehicles would unduly interfere with the free movement of traffic thereon. No person shall park any vehicle in violation of the restrictions stated on such signs.

(b) This section shall not apply to the driver of any vehicle which is disabled in such a manner and to such extent that it is impossible to avoid stopping and temporarily leaving the disabled vehicle on the roadway.

CHAPTER 889

An act to amend Section 35120 of the Government Code, relating to annexations to cities.

[Approved by Governor June 11, 1963. Filed with Secretary of State June 11, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 35120 of the Government Code is amended to read:

35120. At any time not later than the hour set for hearing objections to the election, any owner of property within the territory may make a written protest against the annexation. If at the time set for hearing objections to the annexation, protests have been filed which are insufficient to terminate further proceedings, the meeting shall be recessed for a period of not less than 10 days and supplemental protests may be filed within such period and until the hour set for reconvening

the hearing. If no protest has been filed, the meeting need not be recessed to allow filing of any supplemental protests. The protest shall state the name of the owner of the property affected and the street address or other description of the property sufficient to identify it on the last equalized assessment roll. A metes and bounds description shall not be required if the property can be otherwise described in a manner sufficient to identify it on the last equalized assessment roll. As used in this article, "owner" means the owner as shown on the last equalized assessment roll, or the person or persons entitled to be shown as owner on the current assessment roll who shall be deemed the owner, or where such land is subject to a recorded written agreement to buy, the purchaser under such agreement to buy shall be deemed the owner. Protests may be made on behalf of the owner by an agent authorized in writing by the owner to act as agent with respect to such land, except that protest may be made on behalf of a private corporation which is an owner of property by any officer or employee of the corporation without written authorization by the corporation to act as agent or make such protest.

If protests are made by petition, the petition shall contain the same information required of individual protests, and there shall be attached to the petition an affidavit made by a voter or owner of property within the territory described in the petition, or an agent of either such owner or voter. The affidavit shall state that the affiant circulated that particular paper, saw written the signatures appended thereto; that he resides at _____; and that according to the best information and belief of affiant:

(a) Each is the genuine signature of the person whose name it purports to be.

(b) The signer is an owner or duly authorized agent of the owner of property within the territory.

The city shall, on request and without charge, provide forms of protest petitions and the affidavit required by this section to owners of property within the territory.

CHAPTER 890

An act to add Sections 554 and 597 to the Streets and Highways Code, relating to state highways.

[Approved by Governor June 11, 1963. Filed with Secretary of State June 11, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 554 is added to the Streets and Highways Code, to read:

554. Route 254 is the Avenue of the Giants, comprising a portion of the former Redwood Highway through and con-

necting a number of state parks, from Route 101 near the Sylvandale interchange to Route 101 near the Redcrest interchange.

SEC. 2. Section 597 is added to said code, to read:

597. Route 296 is the Avenue of the Giants, comprising a portion of the former Redwood Highway through and connecting a number of state parks, from Route 1 near the Sylvandale interchange to Route 1 near the Redcrest interchange

SEC. 3. Section 1 of this act shall become operative only if Senate Bill No. 64 is enacted by the Legislature at its 1963 Regular Session, and in such case at the same time as Senate Bill No. 64 becomes operative, at which time Section 597 of the Streets and Highways Code as added by Section 2 of this act is repealed.

CHAPTER 891

An act to add Section 35002.2 to the Government Code, relating to municipal corporations.

[Approved by Governor June 11, 1963. Filed with Secretary of State June 11, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 35002.2 is added to the Government Code, to read:

35002.2. The boundary commission may change the boundaries submitted to it before making its report, if:

(a) The proponents of the annexation or the city initiating the annexation consent thereto, and

(b) The annexation of the newly described territory will comply in all respects with all of the provisions of this article, and

(c) The new boundaries do not include any territory which could not have been included when the original proposal was filed.

If any portions of the amended boundaries lie within three miles of the territorial limits of any city to which notice of the proposed annexation has not been given, within five days after such change in boundaries the boundary commission shall notify the legislative body of such city of the proposed annexation.

CHAPTER 892

An act to add Section 6708 to the Government Code, relating to Cabrillo Day.

[Approved by Governor June 11, 1963. Filed with Secretary of State June 11, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 6708 is added to the Government Code, to read:

6708. The Governor shall proclaim September 28th to be known hereafter as "Cabrillo Day."

CHAPTER 893

An act to add Sections 5101.5, 5101 6, 10100.5 and 10100.6 to the Streets and Highways Code, relating to improvements.

[Approved by Governor June 11, 1963 Filed with Secretary of State June 11, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 5101.5 is added to the Streets and Highways Code, to read:

5101.5. Whenever in the opinion of the legislative body the public interest or convenience may require, it may order any portion of the public streets, places, ways, rights-of-way or property mentioned in Section 5101 to be improved by or have constructed therein, over or thereon, either singly or in any combination of the items mentioned in Section 5101 and this section, any of the following:

(a) Works, system or facilities for the transportation of people, designed to serve an area of not to exceed three square miles and designed to operate on fixed tracks, rails, belts, cables or other devices, including rolling stock and other equipment appurtenant thereto.

(b) All other work auxiliary to any of the above, which may be required to carry out the same.

SEC. 2. Section 5101.6 is added to said code, to read:

5101.6. Following the levy of an assessment pursuant to this division to pay, in whole or in part, the costs and expenses of works, system or facilities authorized by subsection (a) of Section 5101.5 upon a district benefited thereby, and annually on or before June 30th, the legislative body may prepare and approve an estimate of the expenditures required during the ensuing fiscal year for the maintenance, operation, repair and improvement of such works, system or facilities and shall deduct from such estimate the amount of revenues, if any, which the legislative body estimates will accrue during

such year from the operation of such works, system or facilities and will be available to pay costs of such maintenance, operation, repair and improvement.

The legislative body may levy and collect in any year upon and against all of the taxable land and improvements within such district a special ad valorem assessment sufficient to raise a sum of money not exceeding the net amount thus determined but the rate of assessment in any one year shall not exceed twenty-five cents ($0.25) on each one hundred dollars ($100) assessed value as shown on the assessment roll used by the city for city taxation.

The special ad valorem assessment shall be levied, collected and enforced at the same times, in the same manner, by the same officers, and with the same interest and penalties, as in the case of general taxes levied by the city. The proceeds of the assessment shall be placed in a separate fund of the city and shall be expended only for the maintenance, operation, repair or improvement of such works, system or facilities.

SEC. 3. Section 10100.5 is added to said code, to read:

10100.5. Whenever the public interest or convenience requires, the legislative body of any municipality may install in or along its streets all or any of the following:

(a) Works, system or facilities for the transportation of people, designed to serve an area of not to exceed three square miles and designed to operate on fixed tracks, rails, belts, cables or other devices, including rolling stock and other equipment appurtenant thereto.

(b) All other work auxiliary to any of the above, which may be required to carry out the same.

SEC. 4. Section 10100.6 is added to said code, to read:

10100.6. Following the levy of an assessment pursuant to this division to pay, in whole or in part, the costs and expenses of works, system or facilities authorized by subsection (a) of Section 10100.5 or subsection (a) of Section 5101.5 upon a district benefited thereby, and annually on or before June 30th, the legislative body may prepare and approve an estimate of the expenditures required during the ensuing fiscal year for the maintenance, operation, repair and improvement of such works, system or facilities and shall deduct from such estimate the amount of revenues, if any, which the legislative body estimates will accrue during such year from the operation of such works, system or facilities and will be available to pay costs of such maintenance, operation, repair and improvement.

The legislative body may levy and collect in any year upon and against all of the taxable land and improvements within such district a special ad valorem assessment sufficient to raise a sum of money not exceeding the net amount thus determined but the rate of assessment in any one year shall not exceed twenty-five cents ($0.25) on each one hundred dollars ($100) assessed value as shown on the assessment roll used by the city for city taxation.

The special ad valorem assessment shall be levied, collected and enforced at the same times, in the same manner, by the same officers, and with the same interest and penalties, as in the case of general taxes levied by the city. The proceeds of the assessment shall be placed in a separate fund of the city and shall be expended only for the maintenance, operation, repair or improvement of such works, system or facilities.

CHAPTER 894

An act to amend Sections 32203, 32402, 32422, 32471, 32472 and 32473 of, and to add Sections 31702.1, 31702.2, 31702.3, 31702.4, 32471.5, and 32471.6 to, the Water Code, relating to the County Water District Law.

[Approved by Governor June 11, 1963. Filed with Secretary of State June 11, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 31702.1 is added to the Water Code, to read:

31702 1. The board may, by resolution, elect to fix its own rates of taxation, in which event it shall file certified copies thereof with the auditor, the assessor and the clerk of the board of supervisors of the county in which it is situated, on or before July 1. It shall thereafter continue to fix its own rate of taxation until it has filed with such officers certified copies of a resolution electing to the contrary.

SEC. 2. Section 31702.2 is added to said code, to read:

31702.2. Following the board's election, the county auditor shall, before the third Monday of August of each year, transmit to the board a written statement showing the total value of all taxable property in the district, which shall be used by the county for taxation for that year.

SEC. 3. Section 31702.3 is added to said code, to read:

31702.3. On or before September 1 of each year, the board shall fix the rates of taxation in not to exceed four decimals, which it shall require for each of its purposes for said year, making due allowance for delinquency as fixed by law or by the board, and certify said rates to the clerk of the board of supervisors and to the county auditor.

SEC. 4. Section 31702.4 is added to said code, to read:

31702.4. The board of supervisors shall thereafter levy said rates of taxation so certified to it upon all of the taxable property in the district at the time that it fixes the rates of taxation for the county.

SEC. 5. Section 32203 of said code is amended to read:

32203. The secretary shall call a meeting of the board at a time not less than 25 days nor more than 50 days after the

filing of the petition and publish a notice of the filing of the petition once a week for two successive weeks completed not later than seven days prior to said meeting in some newspaper of general circulation within the district, if there is one, and if not, in some newspaper of general circulation published in the county in which the district is situated.

SEC. 6. Section 32402 of said code is amended to read:

32402. A majority in number of the holders of title to any tract of land proposed to be included and who are also the holders of title to a majority in acreage of the land, or a majority in number of the voters residing within the tract, may file with the secretary a petition signed by them containing a description of the land proposed to be included sufficient to identify it, conditions of inclusion, if any, and a prayer that the land be included in the district subject to said conditions, if any.

SEC. 7. Section 32422 of said code is amended to read:

32422. The notice shall contain:

(a) A statement of the purpose of the petition.

(b) A description of the land proposed to be included.

(c) The conditions, if any, set forth in the petition to which the land proposed to be included will be subject

(d) The time of the hearing.

(e) An announcement that any persons interested in the proposed inclusion may appear at the office of the board at the time of the hearing and file objections in writing showing cause, if any they have, why the land or any of it should not be included as proposed in the petition.

SEC. 8. Section 32471 of said code is amended to read:

32471. Conditions for inclusion of land may be set forth in a petition filed pursuant to Section 32402, in which case said conditions shall be included in the notice given in accordance with Section 32422.

SEC. 9. Section 32471 5 is added to said code, to read:

32471 5. If the board prescribes any condition not set forth in any petition or prescribes any condition different from any condition set forth in any petition, it shall adjourn the hearing for not less than 28 nor more than 120 days and the secretary shall cause a notice of such adjourned hearing and such conditions to be published in the manner prescribed by Section 32421, and the secretary shall, within two days after the first publication of the notice mail a copy to each person to whom any land proposed to be included in the district was assessed on the last equalized assessment roll of the county containing that land at that person's address appearing on the assessment roll.

SEC. 10. Section 32471.6 is added to said code, to read:

32471.6. The notice required by Section 32471.5 shall contain:

(a) A statement that a petition for the inclusion of land has been filed and a hearing has been held thereon.

(b) A description of the land proposed to be included.

(c) A statement of the conditions to be imposed upon inclusion of said land.

(d) The time and place of the adjourned hearing on the conditions to be imposed.

SEC. 11. Section 32472 of said code is amended to read:

32472. If at or prior to the hearing or any adjournment thereof written objections to the inclusion of the land subject to conditions, signed and acknowledged by the majority in number of the holders of title to the land proposed to be included in the district and representing a majority in acreage of the land or by a majority in number of the voters residing within the tract are filed with the secretary, then the board shall by resolution at the hearing or any adjournment thereof dismiss the petition.

SEC. 12. Section 32473 of said code is amended to read:

32473. If objections have not been so filed the board may by ordinance declare that the land is included in the district subject to the prescribed conditions.

CHAPTER 895

An act to add Sections 13883 and 14451 3 to the Health and Safety Code, relating to fire protection districts.

[Approved by Governor June 11, 1963 Filed with Secretary of State June 11, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 13883 is added to the Health and Safety Code, to read:

13883. In fixing compensation to be paid to persons employed by the district subject to a civil service system adopted pursuant to Section 13856 the board, in each instance, shall provide a salary or a wage at least equal to the prevailing salary or wage for the same quality of service rendered to private persons under similar employment in case such prevailing salary or wage can be ascertained. This section shall be operative only as to districts the governing body of which is the board of supervisors of a county which is operating under a freeholders' charter that makes the same requirement as to the fixing of salaries or wages for persons employed by the county, subject to the civil service system of such county.

SEC. 2. Section 14451.3 is added to the Health and Safety Code, to read:

14451.3. In fixing compensation to be paid to persons employed by the district subject to a civil service system adopted pursuant to Section 14446 the board, in each instance, shall provide a salary or wage at least equal to the prevailing salary or wage for the same quality of service rendered to

private persons under similar employment in case such prevailing salary or wage can be ascertained. This section shall be operative only in those counties which are operating under freeholders' charters which charters make the same requirement as to the fixing of salaries or wages for persons employed by the county, subject to the civil service system of such county.

CHAPTER 896

An act to add Section 751.5 to the Labor Code, relating to hours of labor.

[Approved by Governor June 11, 1963. Filed with Secretary of State June 11, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 751.5 is added to the Labor Code, to read:

751.5. In the case of aboveground operations where emergency repairs to, or replacement of, machinery or equipment are necessary for the continuous operation thereof, the hours of labor of the employees engaged in making such emergency repairs or replacements may, during the continuance of the emergency, be longer than the period specified in Section 750.

CHAPTER 897

An act to amend Section 977.03 of the Education Code, relating to trustee areas.

[Approved by Governor June 11, 1963. Filed with Secretary of State June 11, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 977.03 of the Education Code is amended to read:

977.03. When trustee areas are established in a district, provision shall be included for the election of members of the governing board by the registered voters of the entire school district or for the election of the member or members residing in each trustee area by the registered voters of that particular area.

CHAPTER 898

An act to add Section 227.5 to the Labor Code, relating to employers.

[Approved by Governor June 11, 1963. Filed with Secretary of State June 11, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 227.5 is added to the Labor Code, to read:

227.5. Whenever an employer has agreed with any employee to make payments to a health or welfare fund, pension fund or vacation plan, or such other plan for the benefit of the employee, or has entered into a collective bargaining agreement providing for such payments, the employer upon written request of the employee shall furnish such employee annually a statement indicating whether or not such payments have been made and for what periods.

CHAPTER 899

An act to amend Sections 34153, 34165, 34304, 34305, 35600, 35626, and 37657 of, and to add Sections 35628, 36408.4, 36408.5, and 36408.6 to, the Water Code, relating to California water districts.

[Approved by Governor June 11, 1963. Filed with Secretary of State June 11, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 34153 of the Water Code is amended to read:

34153. The holders of title to a majority in area of land which is capable of using water beneficially for irrigation, domestic, industrial or municipal purposes and which can be serviced from common sources of supply and by the same system of works, may petition for the formation of a district.

The area need not be contiguous if:

(a) The portions of the proposed district are separated by land under the control of a state hospital, or

(b) The boundary of each of the portions of the proposed districts is within two miles of the boundary of another portion of the proposed district.

When a district is proposed to be formed from noncontiguous areas, the petition shall be signed by the holders of title of a majority of the assessed value of land within each of the noncontiguous areas proposed to be included within the district.

SEC. 2. Section 34165 of said code is amended to read:

34165. A petition shall contain:

(a) The name of the proposed district, which name shall contain the words "Water District."

(b) A description of the proposed boundaries.

(c) The name of each affected county.

(d) The number of acres in the proposed district.

(e) The place where the principal business of the proposed district is to be transacted.

(f) The sources, which may be in the alternative, from which water for the uses of the district is to be secured.

(g) The signatures of the petitioners.

SEC. 3. Section 34304 of said code is amended to read:

34304. The board shall exclude any land which it finds will not be benefited by the water service of the proposed district.

SEC. 4. Section 34305 of said code is amended to read:

34305. Upon application of the owner the board may include in the proposed district any land which is susceptible of water service from any source proposed in the petition and will be benefited by the water service if in the judgment of the board the proposed district will have or may obtain a sufficient supply of water for the water service of that land.

SEC. 5. Section 35600 of said code is amended to read:

35600. A district may, within or without the district in the State, acquire by purchase, condemnation, or other legal means all property or rights in property necessary or proper for the district works and to supply the land with sufficient water for all district purposes.

SEC. 6. Section 35626 of said code is amended to read:

35626. The use of all water required for beneficial uses authorized under the powers specified in Section 35401 of any district formed under the provisions of this division together with the use of all other property which may be required to carry out fully the provisions of this division is a public use and may be acquired by the district in eminent domain proceedings.

SEC. 6.5. Section 35628 is added to said code, to read:

35628. A district shall not exercise the right of eminent domain under this article for the condemnation of property outside the boundaries of the principal county in which the district is situated unless it first obtains the consent thereto of the board of supervisors of the county in which such property is located.

SEC. 7. Section 36408.4 is added to said code, to read:

36408.4. In the absence of approval by the commission, warrants payable at a future date or times may also be issued to obtain funds or property for any lawful purpose of the district; provided, the total amount of such warrants payable in any one year shall not exceed one-fourth of one (1) percent of the total valuation of the land in the district according to the last equalized assessment roll.

SEC. 8. Section 36408.5 is added to said code, to read:

36408.5. Any warrant authorized in the preceding section shall draw interest at a rate to be fixed by the board not to exceed six (6) percent per year payable annually or semi-annually as the board may prescribe. Interest coupons to bearer in a form and signed as prescribed by the board may be attached to such warrants.

SEC. 9. Section 36408.6 is added to said code, to read:

36408.6. Warrants of any district may be issued to evidence the indebtedness allowed to be incurred prior to the levy of the first district assessment, bearing interest fixed by the board at not more than seven (7) percent per year. These warrants shall be made payable on a date not later than the first day of July next after the first annual assessment in the district is levied.

SEC. 10. Section 37657 of said code is amended to read:

37657. The court shall enter a decree ordering the district dissolved, or make other orders necessary to protect the rights of interested parties, if at the trial of an action to dissolve the district the court determines that both of the following are true:

(a) The district is not in debt, or if in debt, all claims are barred by the statute of limitations.

(b) The district is not proceeding to service its lands with water and is not exercising its corporate powers and has not been so doing for one year prior to the trial.

CHAPTER 900

An act to amend Section 6908 of the Government Code, relating to vending stands for the blind.

[Approved by Governor June 11, 1963. Filed with Secretary of State June 11, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 6908 of the Government Code is amended to read:

6908. The operator of each vending stand is subject to the provisions of any ordinance of the county or city in which the stand is located requiring a license or permit for the conduct of such business, but any such license or permit shall be issued free of charge to a qualified blind person licensed by the bureau pursuant to federal or state law.

The person, governing board, or legislative body having the care, custody, and control of the building in which a vending stand is operated pursuant to this chapter has the right to approve, disapprove, or withdraw approval of the person operating a vending stand.

CHAPTER 901

An act to add Sections 554 and 597 to the Streets and Highways Code, relating to state highways.

[Approved by Governor June 12, 1963. Filed with Secretary of State June 12, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 554 is added to the Streets and Highways Code, to read:

554. Route 254 is the Avenue of the Giants, comprising a portion of the former Redwood Highway through and connecting a number of state parks, from Route 101 near the Sylvandale interchange to Route 101 near the Redcrest interchange.

SEC. 2. Section 597 is added to said code, to read:

597. Route 296 is the Avenue of the Giants, comprising a portion of the former Redwood Highway through and connecting a number of state parks, from Route 1 near the Sylvandale interchange to Route 1 near the Redcrest interchange.

SEC. 3. Section 1 of this act shall become operative only if Senate Bill No. 64 is enacted by the Legislature at its 1963 Regular Session, and in such case at the same time as Senate Bill No. 64 becomes operative, at which time Section 597 of the Streets and Highways Code as added by Section 2 of this act is repealed.

CHAPTER 902

An act to amend Section 660 of the Harbors and Navigation Code, relating to small craft harbors.

[Approved by Governor June 12, 1963. Filed with Secretary of State June 12, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 660 of the Harbors and Navigation Code is amended to read:

660. (a) The provisions of this chapter, and of other applicable laws of this State, shall govern the operation, equipment, and all other matters relating thereto whenever any motorboat or vessel shall be operated on the waters of this State, or when any activity regulated by this chapter shall take place thereon. Nothing in this chapter shall be construed to prevent the adoption of any ordinance, law, regulation or rule relating to vessels by any entity otherwise authorized by law to adopt such measures, including but not limited to any city, county, city and county, port authority or district; provided, however, that such measures relating to undocumented vessels shall pertain only to time-of-day restrictions, speed zones, special-use areas, and sanitation and pollution control, the provisions of which

are not in conflict with the provisions of this chapter or the regulations adopted by the commission. Such measures shall be submitted to the division prior to adoption and at least 30 days prior to the effective date thereof.

(b) The commission is authorized to make special rules and regulations with reference to the operation of any motorboats or vessels on any body of water within the territorial limits of two or more cities, counties, cities and counties or other political subdivisions where no special rules or regulations exist or when required to establish uniformity in such special rules or regulations as the commission may determine (1) are not uniform under local laws and (2) as to which uniformity is practicable and necessary.

(c) Any entity, including but not limited to any city, county, city and county, port authority or district, otherwise authorized by law to adopt measures governing the operation and equipment, and matters relating thereto, of motorboats or vessels, may adopt emergency rules and regulations which are not in conflict with the general laws of the State relating to motorboats and vessels using any waters within the jurisdiction of the entity if such rules and regulations are required to insure the safety of persons and property, because of disaster or other public calamity. Such emergency rules and regulations shall become effective immediately upon adoption and may remain in effect for not to exceed 60 days thereafter. Upon submission of such emergency rules and regulations to the division, the division may authorize the entity to make the emergency rules and regulations effective for such period of time greater than 60 days as is necessary in view of the disaster or circumstances.

CHAPTER 903

An act to amend Section 12606 of the Business and Professions Code, relating to weights and measures.

[Approved by Governor June 12, 1963. Filed with Secretary of State June 12, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 12606 of the Business and Professions Code is amended to read:

12606. Whenever any commodities are sold in containers, the net quantity of the contents of the container shall be plainly and conspicuously marked, branded, or otherwise indicated on the principal display panel of the container or on a label or tag attached thereto; provided that containers, circular in cross-sectional area, may contain the statement of net quantity on either the principal display panel or on an area immediately adjacent thereto, which area shall be equivalent to not less than 20 percent of the entire label, or on the top of

the container if the cross-sectional area is not less than the cross-sectional area of the bottom of the container. The size of the markings shall be governed by the area of the display panel, or the area of the label or tag attached.

The director shall establish necessary rules and regulations to carry out the design of this chapter. Any such rule or regulation, or amendment thereof, shall be adopted and promulgated by the director in conformity with the provisions of Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code.

The provisions of this section do not apply:

(a) To containers while being used for the delivery of a food which, in accordance with the practice of the trade, is to be processed, labeled, packed or repacked on premises other than where originally placed in such containers.

(b) To transparent wrappings, devoid of any words, letters or numerals, used as a means of protecting the commodity, when the weight or count of the contents, or any portion thereof, is accurately determined at time of, and for the immediate purpose of, sale.

(c) To an unlidded container when the weight of the contents, or any portion thereof, can be accurately determined at the time of, and for the immediate purpose of sale, by the seller at the request of the buyer, on a weighing device installed for the purpose on the premises of the seller and sealed in accordance with the provisions of this division.

(d) To an unlidded container when the count of the contents, or any portion thereof, is accurately determined at time of, and for the immediate purpose of, sale.

(e) To containers of fruits and vegetables, when the quantity is expressed in terms of count as required by the provisions of Chapter 2 (commencing at Section 781), Division 5 of the Agricultural Code, and the count is accurate with no tolerance below the actual count allowed.

(f) To containers of petroleum products where the net quantity of the contents of such containers is plainly and conspicuously marked, branded or otherwise indicated on the side or top thereof.

CHAPTER 904

An act to amend Sections 13189 and 13191 of the Education Code, relating to credentials for teachers in the public schools.

[Approved by Governor June 12, 1963. Filed with Secretary of State June 12, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 13189 of the Education Code is amended to read:

13189. The minimum requirements for the standard teaching credential with a specialization in elementary teaching shall be all of the following:

(a) Five years (with the fifth year to be completed within five years of the first employment of the certificated employee in elementary teaching), or its equivalent of university or college education.

(b) A baccalaureate degree or higher degree from an institution approved by the State Board of Education.

(c) A major and a minor, one of which shall be in an academic subject matter area and one of which may be in a nonacademic subject matter area, normally taught in the public schools. The State Board of Education may promulgate regulations defining the terms "major" and "minor." The State Board of Education shall by regulation establish and approve a diversified major consisting of academic subject matter courses. Such diversified major shall recognize the need of elementary school teachers for generalized preparation in such fields as English grammar, literature, mathematics, science, social studies, music, and art. Such diversified major may be substituted for the major required above. Specialized preparation may be substituted for the minor required above.

(d) Such additional requirements as may be prescribed by the State Board of Education. In promulgating any additional requirements the State Board of Education is hereby directed to emphasize academic and subject matter preparation, professional preparation, and student teaching or its equivalent in teaching experience. Such additional requirement shall be prescribed by the board on or before July 1, 1963.

SEC. 2. Section 13191 of said code is amended to read:

13191. The minimum requirements for the standard teaching credential with a specialization in secondary teaching shall be five years, or its equivalent, of university or college education, including each of the following:

(a) A baccalaureate degree or higher degree from an institution approved by the State Board of Education.

(b) A major and a minor, one of which shall be in an academic subject matter area and one of which may be in a nonacademic subject matter area, normally taught in the public schools. Specialized preparation may be substituted for the minor. The State Board of Education may promulgate regulations defining the terms "major" and "minor."

(c) One year of college or university education in addition to the requirements for a baccalaureate degree secured in an institution approved by the State Board of Education.

(d) Such additional requirements as may be prescribed by the State Board of Education. In promulgating any additional requirements, the State Board of Education is hereby directed to emphasize academic and subject matter preparation, professional preparation, and student teaching or its equivalent

in teaching experience. Additional requirements shall be prescribed by the board on or before July 1, 1963.

SEC. 3. This act shall become operative on January 1, 1964.

CHAPTER 905

An act to add Chapter 13 (commencing with Section 47900) to Part 9, Division 14, of the Water Code, relating to an alternative method of collecting assessments levied by a water storage district, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 12, 1963. Filed with Secretary of State June 12, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 13 (commencing with Section 47900) is added to Part 9 of Division 14 of the Water Code, to read:

CHAPTER 13. ALTERNATE PROVISIONS FOR COLLECTION AND ENFORCEMENT OF DISTRICT ASSESSMENTS BY THE COUNTY

Article 1. Collection of Assessments by the County

47900. This chapter provides an alternative method for the collection and enforcement of district assessments.

47901. The board may elect to avail itself of the assessor, auditor and tax collector of the county or counties in which the district is situated to collect assessments levied and called pursuant to this part.

47902. The board shall declare its election by a resolution and shall file a certified copy of said resolution with the auditor, assessor, tax collector and treasurer of each county within which the district is situated on or before February 1, following the adoption of such resolution.

47903. An election pursuant to Section 47902 is effective with respect to all assessments levied or called after February 1, next succeeding the date upon which the certified copy is filed. Thereafter, all assessments shall be collected by the tax collectors of the county or counties in which the district is situated until the board, by resolution, elects otherwise. When the board elects otherwise, a certified copy of such resolution shall be filed with the auditor, assessor, tax collector and treasurer of each county within which the district is situated and it is effective, with respect to all assessments levied or called, after February 1, next succeeding the date upon which the certified copy is filed.

47904. On or before the first day of August, the board shall determine by resolution the percentage of any assessment theretofore levied that shall be called and collected.

47905. A certified copy of the resolution provided for in Section 47904 shall be filed by the secretary of the district with the county treasurer and county auditor of each affected county on or before the third Monday in August.

47906. The county treasurer, upon receipt of the certified copy of the resolution, provided for by Sections 47904 and 47905, shall forthwith discontinue making collections on the affected assessment and shall transfer to the county auditor the assessment rolls designated in the resolution together with an accounting of all payments made on the assessments so transferred.

47907. The county auditor, on receipt of said affected assessment rolls from the county treasurer, shall compute the amount to be collected from each parcel of land in the district held in separate ownership as shown on the transferred assessment rolls and the county tax roll, and shall enter in a separate column in the county assessment books, headed "Water Storage District Assessment, _ __ ___ Water Storage District (naming it)," the sums in dollars and cents to be collected against the respective parcels of land.

On any parcel of land on which payments have been made on such assessment prior to the receipt of the resolution by the county treasurer, credit for the amount so paid shall be given in determining the amount payable.

47908. Assessments called pursuant to this chapter shall be collected at the same time and in the same manner as county taxes. When collected, the net amount, as provided by this chapter, shall be paid to the treasurer of the district, under the general requirements and penalties provided by law for the settlement of county taxes.

47909. Each county assessor, auditor, treasurer and tax collector shall file annually with the board of supervisors of his county, itemized statements showing the additional expenses to his office caused by performance of the duties imposed upon him by this chapter. Upon the filing of such statements the board of supervisors, by an order upon its minutes, shall deduct such expenses from the assessment money of the district while in the hands of such tax collector and transfer the amount deducted into the county general fund.

47910. The board of supervisors may provide extra help for their county offices or officers as in their judgment is necessary for the proper performance of their duties under this article.

47911. Whenever any real property situated in any district which availed itself of county collection of assessments under this chapter has been sold for taxes and has been redeemed, the money paid for redemption shall be apportioned and paid by the county treasurer receiving it, to the district in the proportion which the assessment due to the district shares to the total tax and assessment for which the property was sold.

47912. Notwithstanding the provisions of Sections 47902 and 47903, any district organized pursuant to this division, which organization was completed prior to the effective date of this section, may, prior to July 1, 1963, adopt the resolution and file a certified copy thereof with the auditor, assessor, tax collector and treasurer of each county within which the district is situated, which resolution shall be effective on filing notwithstanding the provisions of Section 47903.

Article 2. Placing of Delinquent Assessments on County Tax Rolls

47930. The board, by resolution, in lieu of enforcing collection of delinquent assessments pursuant to Chapter 5 (commencing with Section 46670) of this part, may include in the resolution provided by Section 47904 an order directing that all delinquent assessments be transferred to the county tax rolls for collection.

On receipt of the certified copy of the resolution containing such order, the county treasurer shall forthwith close the delinquent rolls and transfer the same to the county auditor whose duty it shall be to compute the amount of the delinquency, with interest and penalties, and add such amounts chargeable against the various parcels of land in a column on the county assessment roll designated, "delinquent assessments", such entry to be made in dollars and cents and to include interest to the date that the payments on the county assessment roll are due.

Article 3. Enforcement of Delinquencies

47960. The provisions of Chapter 5 (commencing with Section 46670) of this part, shall not be applicable to the collection of assessments made under this chapter in the event that the board elects to proceed under Section 47930 of this code.

47961. The enforcement of the collection of district assessments under this chapter may be had in the same manner and by the same means as provided by law for the enforcement of liens of county taxes.

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The Rosedale-Rio Bravo Water Storage District is holding off the sale of property on which there are delinquent assessments. However, the district is in need of the funds covered by these assessments and also will be needing funds for next year. If this measure is effective by May, it will be possible to put the assessments which the board can levy for next year's maintenance and operation on the county tax roll which will bring it the money by the first of 1964.

CHAPTER 906

An act to amend Sections 1091 and 36526 of the Government Code, relating to conflicts of interests of public officers.

[Approved by Governor June 13, 1963. Filed with Secretary of State June 13, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 1091 of the Government Code is amended to read:

1091. (a) An officer shall not be deemed to be interested in a contract entered into by a body or board of which he is a member within the meaning of this article if he has only a remote interest in the contract and if the fact of such interest is disclosed to the body or board of which he is a member and noted in its official records, and thereafter the body or board authorizes, approves, or ratifies the contract in good faith by a vote of its membership sufficient for the purpose without counting the vote or votes of the officer or member with the remote interest.

(b) As used in this article "remote interest" means:

(1) That of a nonsalaried officer of a nonprofit corporation;

(2) That of an employee or agent of the contracting party, if such contracting party has 10 or more other employees and if the officer was an employee or agent of said contracting party for at least three years prior to his initially accepting his office.

For the purposes of this subsection, time of employment with the contracting party by the officer shall be counted in computing the three-year period specified in this subsection even though such contracting party has been converted from one form of business organization to a different form of business organization within three years of the initial taking of office by such officer. Time of employment in such case shall be counted only if, after the transfer or change in organization, the real or ultimate ownership of the contracting party is the same or substantially similar to that which existed before such transfer or change in organization. For the purposes of this subsection, stockholders, bondholders, partners, or other persons holding an interest in the contracting party are regarded as having the "real or ultimate ownership" of such contracting party.

(3) That of a parent in the earnings of his minor child for personal services;

(4) That of a landlord or tenant of the contracting party;

(5) That of an attorney of the contracting party; or

(6) That of a member of a nonprofit corporation formed under the Agricultural Code or a nonprofit corporation formed under the Corporations Code for the sole purpose of engaging in the merchandising of agricultural products.

(c) The provisions of this section shall not be applicable to any officer interested in a contract who influences or attempts to influence another member of the body or board of which he is a member to enter into the contract.

(d) The willful failure of an officer to disclose the fact of his interest in a contract pursuant to this section shall be punishable as provided in Section 1097. Such violation shall not void the contract however, unless the contracting party had knowledge of the fact of the remote interest of the officer at the time the contract was executed.

SEC. 2. Section 36526 of said code is amended to read:

36526. (a) An officer shall not be deemed to be interested in a contract entered into by a body or board of which he is a member within the meaning of Section 36525 if he has only a remote interest in the contract and if the fact of such interest is disclosed to the body or board of which he is a member and noted in its official records, and thereafter the body or board authorizes, approves, or ratifies the contract in good faith by a vote of its membership sufficient for the purpose without counting the vote or votes of the officer or member with the remote interest.

(b) As used in this article "remote interest" means:

(1) That of a nonsalaried officer of a nonprofit corporation;

(2) That of an employee or agent of the contracting party, if such contracting party has 10 or more other employees and if the officer was an employee or agent of said contracting party for at least three years prior to his initially accepting his office.

For the purposes of this subsection, time of employment with the contracting party by the officer shall be counted in computing the three-year period specified in this subsection even though such contracting party has been converted from one form of business organization to a different form of business organization within three years of the initial taking of office by such officer. Time of employment in such case shall be counted only if, after the transfer or change in organization, the real or ultimate ownership of the contracting party is the same or substantially similar to that which existed before such transfer or change in organization. For the purposes of this subsection, stockholders, bondholders, partners, or other persons holding an interest in the contracting party are regarded as having the "real or ultimate ownership" of such contracting party.

(3) That of a parent in the earnings of his minor child for personal services;

(4) That of a landlord or tenant of the contracting party;

(5) That of an attorney of the contracting party; or

(6) That of a member of a nonprofit corporation formed under the Agricultural Code or a nonprofit corporation formed under the Corporations Code for the sole purpose of engaging in the merchandising of agricultural products.

(c) The provisions of this section shall not be applicable to any officer interested in a contract who influences or attempts to influence another member of the body or board of which he is a member to enter into the contract.

(d) The willful failure of an officer to disclose the fact of his interest in a contract pursuant to this section shall be punishable as provided in Section 36528. Such violation shall not void the contract however, unless the contracting party had knowledge of the fact of the remote interest of the officer at the time the contract was executed.

CHAPTER 907

An act to amend and renumber Section 13531 of the Education Code, relating to group life insurance for certified employees.

[Approved by Governor June 13, 1963. Filed with Secretary of State June 13, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 13531 of the Education Code is amended and renumbered to read:

13009. The governing board of each school district when drawing an order for the salary payment due to employees of the district, shall without charge reduce the order by the amount which it has been requested in a revocable written authorization by the employee to deduct for any or all of the following purposes: paying premiums on any policy or certificate of group life insurance for the benefit of the employee or for group disability insurance, or both, for the benefit of the employee or his dependents issued by an admitted insurer on a form of policy or certificate approved by the Insurance Commissioner, or paying rates, dues, fees, or other periodic charges on any hospital service contract for the benefit of the employee, or his dependents, issued by a nonprofit hospital service corporation on a form approved by the Insurance Commissioner pursuant to the provisions of Chapter 11A of Part 2 of Division 2 of the Insurance Code. The governing board of the district shall each month draw its order upon the funds of the district in favor of the insurer which has issued the policies or certificates or in favor of the nonprofit hospital service corporation which has issued hospital service contracts, for an amount equal to the total of the respective deductions therefor made during the month.

CHAPTER 908

An act to amend Section 12883.5 of the Water Code, relating to state financial assistance for local water projects.

[Approved by Governor June 13, 1963. Filed with Secretary of State June 13, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 12883.5 of the Water Code is amended to read:

12883.5. The department is authorized to make state loans to public agencies for the preparation of feasibility reports on proposed projects, from any moneys available for such loans, in an amount for any one feasibility report on a proposed project not exceeding 2 percent of the estimated cost of the proposed project or fifty thousand dollars ($50,000), whichever is less, subject to the provisions of this chapter; provided, that only one such loan may be made to a public agency in relation to any one proposed project. A loan in excess of said amount for any one feasibility report may be made by the department only upon authorization by the Legislature and upon such terms and conditions as the Legislature may prescribe.

CHAPTER 909

An act to amend Section 13601 of, to repeal Section 13602 of, and to add Section 13602 to, the Education Code, relating to salary of school personnel.

[Approved by Governor June 13, 1963. Filed with Secretary of State June 13, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 13601 of the Education Code is amended to read:

13601. The governing board of any school district, including city boards of education, shall fix and order paid the compensation of persons a part of the classified service and other employees not requiring certification qualifications employed by the board unless otherwise prescribed by law.

SEC. 2. Section 13602 of said code is repealed.

SEC. 3. Section 13602 is added to said code, to read:

13602. The governing board of a school district may during any school year increase the annual salaries of persons employed by the district in positions not requiring certification qualifications at any time; provided, the board has retained the right to increase the salaries of such employees during the school year by appropriate rules and regulations adopted by the board prior to the commencement of the school year or by appropriate provisions in the contracts of employment entered into with such employees.

CHAPTER 910

An act to amend Sections 3301 and 3305 of the Penal Code, relating to the Board of Trustees of the California Institution for Women.

[Approved by Governor June 13, 1963. Filed with Secretary of State June 13, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 3301 of the Penal Code is amended to read:

3301. The Board of Trustees consists of five members appointed by the Governor, three of whom shall be women. The chairman shall be designated by the Governor from time to time.

SEC. 2. Section 3305 of said code is amended to read:

3305. The trustees shall be entitled to their reasonable expenses, including traveling expenses, incurred in the discharge of their duties.

In addition they shall be entitled to a per diem of fifty dollars ($50) per day for not to exceed 120 days in any year for attendance upon business of the trustees or the Board of Corrections. The chairman shall be entitled to a per diem of fifty dollars ($50) per day for not to exceed 150 days per year.

CHAPTER 911

An act to add Title 7.1 (commencing with Section 66500) to the Government Code, relating to the Bay Area Transportation Study Commission.

[Approved by Governor June 13, 1963. Filed with Secretary of State June 13, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Title 7.1 (commencing with Section 66500) is added to the Government Code, to read:

TITLE 7.1. BAY AREA TRANSPORTATION STUDY COMMISSION

66500. This title shall be known and may be cited as the Bay Area Transportation Study Commission Act.

66501. The Legislature hereby finds and declares that there is an urgent need for the creation of a Bay Area Transportation Study Commission, based upon the following facts:

(a) While an abundance of local planning exists in the San Francisco Bay area, the problems of regional transportation by highways, bridges, and rail are incapable of complete

solution by the individual local governments acting separately.

(b) While there is also a considerable amount of information available from previous and current land use inventories and plans, economic development studies, and traffic and transportation studies and plans, due to various factors, such as use of different source data and projection assumptions, different criteria, and limited coverage, such studies and plans cannot serve as the basic data for a comprehensive Bay area transportation study and plan embracing all modes of transportation and properly integrated with land use projections and plans.

(c) Such a comprehensive transportation study and plan is essential in order to provide a solution for the land use and transportation problems which are increasing in size and complexity due to the rapid expansion in population and industrial development in the San Francisco Bay area, to assist public decisions affecting the growing traffic congestion problem, and to reduce the alarming toll of accidents and the other hazards accompanying transportation, such as noise and fumes.

(d) It is estimated that more than 7 billion dollars will be expended for public transportation facilities in the Bay area by 1980 and that millions of dollars will be expended for transportation planning of one kind or another. Much of this effort will be on a piecemeal basis and of limited value unless steps are taken to provide for a co-ordinated and comprehensive transportation study and planning process which will reduce ultimate costs and improve overall results. Agencies of the federal government as well as the State are encouraging such an approach to metropolitan area problems and have funds available for study and planning purposes.

(e) Much progress has been made in recent years in the methodology of transportation study and planning, including the integration of traffic and land use analyses and the development of computer techniques, which can be of inestimable value in developing a realistic and viable plan for the Bay area.

(f) In order to establish an official agency composed of representatives of local, state, and federal governments, and representatives of the public, to conduct a comprehensive Bay area transportation study, to formulate a master Bay area regional transportation plan, and to find ways and means of implementing the plan and keeping it current, the enactment of this special law is necessary.

66502. The Legislature hereby declares that in creating the Bay Area Transportation Study Commission and in providing for a comprehensive regional transportation study of the San Francisco Bay area and ultimate master Bay area regional transportation plan, it is not the intention of the Legislature in any way to interfere with or impede the execution by federal, state or local public agencies of any projects affecting transportation in the Bay area which have already been planned by such public agencies or which may be planned

during the period of the comprehensive transportation study; nor is it the intention of the Legislature to require any such public agency to submit its plans for any such project to the study commission for its approval prior to execution thereof.

The Legislature further declares, however, that it is in the best interests of the people of the State, and particularly of the people of the San Francisco Bay area, that Bay area transportation plans and projects of each federal, state and local public agency should be co-ordinated to the fullest extent possible; that information and data compiled by the study commission should be taken into consideration by such public agencies in the planning and execution of such transportation projects; and that all such public agencies should co-operate in carrying out these objectives by advising and consulting with the study commission from time to time in connection with such transportation plans and projects.

66503. There is hereby created the Bay Area Transportation Study Commission, which shall consist of 37 members, as follows:

(a) Two members each from the City and County of San Francisco and the Counties of Alameda, Contra Costa, Solano, Napa, Sonoma, Marin, San Mateo, and Santa Clara. With respect to the members representing the City and County of San Francisco, one shall be appointed by the mayor and one shall be appointed by the board of supervisors. With respect to the members representing each of the other counties, the board of supervisors of the county shall appoint one of its members and the city selection committee of the county shall appoint one member from among the mayors and city councilmen of the cities in such county. The city selection committee shall consist of the mayor of each incorporated city within the county, or, if there is no mayor, by the chairman or president of the city council.

(b) The Administrator of Highway Transportation, the Planning Officer, and one representative each of the Bureau of Public Roads, the Housing and Home Financing Agency, the Bay Area Rapid Transit District, the Association of Bay Area Governments, the Alameda-Contra Costa Transit District, and the Golden Gate Bridge and Highway District.

(c) Seven at-large members appointed by the Governor, all of whom shall be residents of the Bay area, and three of whom shall be representatives of bona fide labor organizations.

(d) Two Members of the Senate, appointed by the Senate Committee on Rules, and two Members of the Assembly appointed by the Speaker. The Members of the Legislature shall participate on the study commission to the extent that such participation is not incompatible with their positions as Members of the Legislature. The Members of the Legislature shall constitute a joint interim investigating committee on the subject of this title and as such shall have the powers and duties imposed upon such committees by the Joint Rules of the Senate and Assembly.

66504. The members of the study commission, except the Members of the Legislature serving thereon, shall serve for four years or until the termination of the study commission, whichever is earlier. A vacancy in the membership of the study commission shall be filled by the appointing power of the particular member.

66505. Pursuant to such terms as may be established in agreements or contracts with agencies of the federal, state, and local governments whereby funds are contributed for the Bay area regional transportation study, each member of the study commission shall receive his necessary actual expenses incurred in the performance of his duties.

66505.5. All meetings of the study commission shall be open and public, and all persons shall be permitted to attend any meetings of the commission.

66506. The study commission shall conduct a comprehensive study of the regional transportation problems affecting the San Francisco Bay area, which, for the purposes of this title, is comprised of the City and County of San Francisco and the Counties of Alameda, Contra Costa, Solano, Napa, Sonoma, Marin, San Mateo, and Santa Clara. After careful consideration of all pertinent facts, including but not limited to those relating to geological and topographical conditions as well as growth and traffic patterns, the study commission shall determine which of the enumerated counties, or portions thereof, in the San Francisco Bay area, as defined, should be included in a master Bay area regional transportation plan. Thereafter, the study commission shall prepare a master Bay area regional transportation plan for that portion of the San Francisco Bay area that is so determined should be included in said plan.

66507. The study commission shall limit its studies of interregional transportation facilities, such as airports, seaports, and railroads, to the extent of their influence on intraregional transportation planning requirements by reason of their generation and attraction of traffic within the Bay area.

66508. The study commission shall co-ordinate its work closely with the continuing regional planning program of the Association of Bay Area Governments. It shall make maximum use of that program and of all other pertinent studies and plans in the Bay area.

66509. The study commission shall be responsible for conducting studies and developing specific recommendations as to ways and means of implementing the regional transportation plan which it is to prepare. For this purpose it shall give first consideration to the use of existing governmental agencies to achieve expeditious implementation of the plan and a maximum of co-ordination among transportation activities and between transportation and general planning in the Bay area. However, if the study commission finds that the purpose and intent of this section may be advanced thereby, it may make studies and develop recommendations for a possible reorgani-

zation or realignment of responsibilities of public agencies dealing with transportation problems in the Bay area.

The study commission shall also make studies and take steps to provide for an orderly transition of its responsibilities to appropriate permanent agencies to the end that studies will be continued and the transportation plan amended to reflect emerging conditions and be continually co-ordinated with all other planning activities in the Bay area.

66510. The powers of the study commission shall include the following:

(a) The study commission may accept grants, contributions and appropriations from any public agency.

(b) The study commission may appoint committees from its membership and from other interested public and private groups.

(c) The study commission may contract for or employ any professional services required by the district or for the performance of work and services which in its opinion cannot satisfactorily be performed by its officers and employees.

(d) The study commission may do any and all other things necessary to carry out the purposes of this title.

66511. The chairman and vice chairman of the study commission shall be residents of the Bay area. The Governor shall appoint the chairman and vice chairman from among the at-large members appointed by him. The chairman shall call the first meeting of the study commission at the earliest possible time. At this meeting the commission shall organize and shall elect a secretary and treasurer.

66512. The study commission shall appoint a study director who shall have charge of the conduct of the regional transportation study and plan formulation, subject to the direction and policies of the study commission. The study director shall be a prominent and nationally recognized authority in the field of transportation problems.

The study director shall, subject to approval of the study commission, appoint such employees as may be necessary in order to carry out the functions of the study commission. The salary of the study director and of the other employees of the study commission shall be established in the contracts or agreements with agencies of the federal and state governments pursuant to which funds are contributed for the Bay area regional transportation study.

66513. Within a reasonable time, but not to exceed one year from the date of the first meeting of the study commission, the chairman of the study commission, in collaboration with and with the concurrence of the study commission, shall appoint a citizens' advisory committee to assist and advise the study commission in carrying out its functions. The advisory committee shall consist of not more than 50 members, who shall be appointed so as to include civic and governmental leaders

and a broad representation of business and labor, and so as to assure adequate geographical representation throughout the San Francisco Bay area. All meetings of the advisory committee shall be open and public, and all persons shall be permitted to attend any meetings of the committee. At least two members of the advisory committee shall be representatives of public agencies having jurisdiction over harbor or airport facilities, or both.

66514. (a) It is the intention of the Legislature that the federal government, the State, and local agencies in the study area will participate in support of the study and planning work of the study commission The Legislature further intends that financial support of the study commission's activities will be made available from federal, state and local sources which would normally be available for transportation and general planning purposes in the Bay area.

(b) The study commission and the State Highway Transportation Agency shall negotiate contracts or agreements whereby federal-aid highway funds available for planning, and the necessary state matching funds from the State Highway Fund, may be made available for support of the commission's activities insofar as they relate to highway, road, and street planning for the area.

(c) The study commission shall also negotiate, either directly or through the State Office of Planning or other appropriate agency, with the United States Housing and Home Finance Agency for grants or contributions of federal funds which may be available to support the study and planning activities of the study commission.

(d) The study commission shall negotiate equitable agreements with the City and County of San Francisco, and other counties and cities of the Bay area, the San Francisco Bay Area Rapid Transit District, the Alameda-Contra Costa Transit District, and the Golden Gate Bridge and Highway District for the contribution of funds or services for the general support of the commission's activities and for such required matching of federal funds as may be made available under paragraph (c) of this section. Any county or city may use a portion of the motor vehicle license fee funds which it receives from the State for these purposes.

(e) The study commission shall make a complete report of all contracts or agreements for financial or other support which it has negotiated to the Legislature not later than the 10th legislative day of the 1964 Regular Budget Session and of each regular legislative session thereafter until the termination of the study commission.

66515. The study commission shall report to the Governor and to the Legislature by March 1, 1965, including in the report a statement as to its progress and an estimate of the time necessary to complete the balance of the work required in

order to formulate a master Bay area regional transportation plan.

The existence of the study commission shall terminate on the 90th day after final adjournment of the 1965 Regular Session of the Legislature unless continued by the Legislature at that session. The Legislature shall determine what, if any, further time should be allowed to the study commission for the completion of its work, but in no event shall the existence of the commission be extended for more than two additional years.

CHAPTER 912

An act to amend Sections 1272 and 25414 of the Education Code, and to amend Section 1142 of Division 4 of the Education Code as proposed to be added by Senate Bill No. 718, relating to recall of school board members.

[Approved by Governor June 13, 1963 Filed with Secretary of State June 13, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 1272 of the Education Code is amended to read:

1272. If the county superintendent of schools finds the petition, together with supplementary petitions, if any, sufficient he shall at once call a special election to be held in the district within not less than 60 nor more than 75 days after the date of the call, to determine whether the voters will recall the governing board member. If a regular election for the election of members of the governing board of the district is to occur not less than 60 nor more than 75 days from the date of the call for the special election, the county superintendent may, in his discretion, order the holding of the special election at the time the regular election is held.

SEC. 2. Section 25414 of said code is amended to read:

25414. Governing board members may be recalled in the manner provided in Sections 1261 to 1285, inclusive, except that where the governing board member, whose recall is being sought, is elected from a ward pursuant to Section 25410.5, the required number of signatures on the recall petition set forth in Section 1136 shall be obtained from only the electors in the ward from which he was elected. Only those electors residing within the ward shall be eligible to vote in the recall election.

SEC. 3. Section 1142 of Division 4 of the said code as proposed to be added by Senate Bill No. 718, is amended to read:

1142. If the county superintendent of schools finds the petition, together with supplementary petitions, if any, sufficient he shall at once call a special election to be held in the district within not less than 60 nor more than 75 days after the date of the call, to determine whether the voters will recall the governing board member. If a regular election for the election of members of the governing board of the district is to occur not less than 60 nor more than 75 days from the date of the call for the special election, the county superintendent may, in his discretion, order the holding of the special election at the time the regular election is held.

SEC. 4. Section 3 of this act shall become operative only if Division 4 of the Education Code as proposed by Senate Bill No. 718 is enacted by the Legislature at its 1963 Regular Session, and in such case at the same time as Senate Bill No. 718 takes effect; at which time Section 1272 of the Education Code as amended by Section 1 of this act is repealed.

CHAPTER 913

An act to amend Section 11721 of the Health and Safety Code, relating to the using or being under the influence of narcotics.

[Approved by Governor June 13, 1963 Filed with Secretary of State June 13, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 11721 of the Health and Safety Code is amended to read:

11721. No person shall use, or be under the influence of narcotics, excepting when administered by or under the direction of a person licensed by the State to prescribe and administer narcotics. It shall be the burden of the defense to show that it comes within the exception. Any person convicted of violating any provision of this section is guilty of a misdemeanor and shall be sentenced to serve a term of not less than 90 days nor more than one year in the county jail. The court may place a person convicted hereunder on probation for a period not to exceed five years and shall in all cases in which probation is granted require as a condition thereof that such person be confined in the county jail for at least 90 days. In no event does the court have the power to absolve a person who violates this section from the obligation of spending at least 90 days in confinement in the county jail.

CHAPTER 914

An act to amend Section 13352 of, and to repeal Section 13210 of, and to add Section 13210 to, the Vehicle Code, relating to drunk driving.

[Approved by Governor June 13, 1963. Filed with Secretary of State June 13, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 13210 of the Vehicle Code is repealed.

SEC 2. Section 13210 of the Vehicle Code is added, to read:

13210. Notwithstanding any other provision of this code, whenever any person is convicted for the first time of driving a motor vehicle while under the influence of intoxicating liquor, other than Section 23101, the court may order the department not to suspend under Section 13352. In such event the court may also limit the person's driving privilege as a condition of probation without notifying the department of such condition, whenever it determines that the suspension will affect the livelihood of a person because of the nature of his employment.

SEC. 3. Section 13352 of the Vehicle Code is amended to read:

13352. The department shall immediately suspend or revoke the privilege of any person to operate a motor vehicle upon receipt of a duly certified abstract of the record of any court showing that the person has been convicted of driving a motor vehicle while under the influence of intoxicating liquor. The suspension or revocation shall be as follows:

(a) Upon a first such conviction other than under Section 23101 such privilege shall be suspended for a period of six months, unless the court in case of the first conviction only suspends such privilege under authority of Section 13201 or recommends no suspension.

(b) Upon a first such conviction under Section 23101 such privilege shall be suspended for one year and shall not be reinstated until such person gives proof of ability to respond in damages as defined in Section 16430.

(c) Upon a second such conviction within seven years, such privilege shall be suspended for one year and shall not be reinstated unless and until such person gives proof of ability to respond in damages as defined in Section 16430.

(d) Upon a second such conviction under Section 23101 within three years, such privilege shall be permanently revoked.

(e) Upon a third or subsequent such conviction within 10 years such privilege shall be revoked and shall not be reinstated for a period of three years and until such person files proof of ability to respond in damages as defined in Section 16430.

CHAPTER 915

An act to add Section 12648.6 to the Water Code, relating to authorization of the Mormon Slough channel improvement project.

[Approved by Governor June 13, 1963. Filed with Secretary of State June 13, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 12648.6 is added to the Water Code, to read:

12648.6. The Mormon Slough channel improvement project on Calaveras River is adopted and authorized substantially in accordance with the recommendation of the Chief of Engineers in House Document Numbered 576, 87th Congress, and adopted and authorized by the act of Congress approved October 23, 1962 (Public Law 87-874) at an estimated state cost of two million two hundred sixty thousand dollars ($2,260,000).

CHAPTER 916

An act to add Section 19.5 to the Agricultural Code, relating to construction of the code.

[Approved by Governor June 13, 1963. Filed with Secretary of State June 13, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 19.5 is added to the Agricultural Code, to read:

19.5. It is hereby declared, as a matter of legislative determination, that the provisions of this code are enacted in the exercise of the power of this State for the purposes of promoting and protecting the agricultural industry of the State and for the protection of the public health, safety and welfare. In all civil actions the provisions of this code shall be liberally construed for the accomplishment of these purposes and for the accomplishment of the purposes of the several divisions of this code, and in criminal actions the rule of construction set forth in Section 4 of the Penal Code shall be the rule of construction for this code.

CHAPTER 917

An act to amend Sections 554, 556, 558, 567, 632, 656, 658, 659, 700, 702, 778, and 800 of the Welfare and Institutions Code and to amend Section 13203 of the Vehicle Code, relating to juvenile courts.

[Approved by Governor June 13, 1963. Filed with Secretary of State June 13, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 554 of the Welfare and Institutions Code is amended to read:

554 A referee shall hear such cases as are assigned to him by the presiding judge of the juvenile court, with the same powers as a judge of the juvenile court. A referee shall promptly furnish to the presiding judge of the juvenile court and shall serve upon the minor and upon the minor's parent or guardian or adult relative a written copy of his findings and order and shall also furnish to the minor and to the parent or guardian or adult relative, with the findings and order, a written explanation of the right of such persons to seek review of the order by the juvenile court. Service, as provided in this section, shall be by mail to the last known address of such persons or to the address designated by such persons appearing at the hearing before the referee.

SEC. 2. Section 556 of said code is amended to read:

556. Except as provided in Section 557, all orders of a referee other than those specified in Section 555 shall become immediately effective, subject also to the right of review as hereinafter provided, and shall continue in full force and effect until vacated or modified upon rehearing by order of the judge of juvenile court. In a case in which an order of a referee becomes effective without approval of a judge of the juvenile court, it becomes final on the expiration of the time allowed by Section 558 for application for rehearing, if application therefor is not made within such time and if the judge of the juvenile court has not within such time ordered a rehearing pursuant to Section 559.

SEC. 3. Section 558 of said code is amended to read:

558. At any time prior to the expiration of 10 days after service of a written copy of the order and findings of a referee, a minor or his parent or guardian may apply to the juvenile court for a rehearing. Such application may be directed to all or to any specified part of the order or findings. If all of the proceedings before the referee have been taken down by an official reporter, the judge of the juvenile court may, after reading the transcript of such proceedings, grant or deny such application. If proceedings before the referee have not been taken down by an official reporter, such application shall be granted as of right. If an application for rehearing is not

granted within 20 days following the date of its receipt, it shall be deemed denied.

SEC. 4. Section 567 of said code is amended to read:

567. Upon motion of the minor or his parent or guardian for good cause, or upon his own motion, a judge of the juvenile court may set aside or modify any order of a traffic hearing officer, or may order or himself conduct a rehearing. If the minor or parent or guardian has made a motion that the judge set aside or modify the order or has applied for a rehearing, and the judge has not set aside or modified the order or ordered or conducted a rehearing within 10 days after the date of the order, the motion or application shall be deemed denied as of the expiration of such period.

SEC. 5. Section 632 of said code is amended to read:

632. Unless sooner released, a minor taken into custody under the provisions of this article shall be brought before a judge or referee of the juvenile court for a hearing (which shall be referred to as a "detention hearing") to determine whether the minor shall be further detained, as soon as possible but in any event before the expiration of the next judicial day after a petition to declare such minor a ward or dependent child has been filed. If the minor is not brought before a judge or referee of the juvenile court within the period prescribed by this section, he shall be released from custody.

SEC. 6. Section 656 of said code is amended to read:

656. A petition to commence proceedings in the juvenile court to declare a minor a ward or a dependent child of the court shall be verified and must contain:

(a) The name of the court to which the same is addressed.

(b) The title of the proceeding.

(c) The code section or sections and subdivision or subdivisions under which the proceedings are instituted.

(d) The name, age, and address, if any, of the minor upon whose behalf the petition is brought.

(e) The name or names and residence address, if known to petitioner, of all parents and guardians of such minor. If there is no parent or guardian residing within the State, or if his place of residence is not known to petitioner, the petition must also contain the name and residence address, if known, of any adult relative residing within the county, or, if there be none, the adult relative residing nearest to the location of the court.

(f) A concise statement of facts, separately stated, to support the conclusion that the minor upon whose behalf the petition is being brought is a person within the definition of each of the sections and subdivisions under which the proceedings are being instituted.

(g) The fact that the minor upon whose behalf the petition is brought is detained in custody or is not detained in custody and, if he is detained in custody, the date and the precise time the minor was taken into custody.

SEC. 7. Section 658 of said code is amended to read:

658. Upon the filing of the petition, the clerk of the juvenile court shall issue a notice, to which shall be attached a copy of the petition, and he shall cause the same to be served upon each of the persons described in subsections (d) and (e) of Section 656 whose residence addresses are set forth in said petition and thereafter before the hearing upon all such persons whose residence addresses become known to the clerk.

SEC. 8. Section 659 of said code is amended to read:

659. The notice must contain:

(a) The name and address of the person to whom the notice is directed.

(b) The date, time, and place of the hearing on the petition.

(c) The name of the minor upon whose behalf the petition has been brought.

(d) Each section and subdivision under which the proceeding has been instituted.

(e) A statement that the minor and his parent or guardian or adult relative, as the case may be, to whom notice is required to be given, are entitled to have an attorney present at the hearing on the petition, and that, if the parent or guardian or such adult relative is indigent and cannot afford an attorney, and the minor or his parent or guardian or such adult relative desires to be represented by an attorney, such parent or guardian or adult relative shall promptly notify the clerk of the juvenile court.

SEC. 9. Section 700 of said code is amended to read:

700. At the beginning of the hearing on a petition filed pursuant to Article 7 (commencing with Section 650), the judge or clerk shall first read the petition to those present and upon request of the minor upon whose behalf the petition has been brought or upon the request of any parent, relative or guardian, the judge shall explain any term of allegation contained therein and the nature of the hearing, its procedures, and possible consequences. The judge shall ascertain whether the minor and his parent or guardian or adult relative, as the case may be, has been informed of the right of the minor to be represented by counsel, and if not, the judge shall advise the minor and such person, if present, of the right to have counsel present. If such person is indigent and desires to have the minor represented by counsel, the court may appoint counsel to represent the minor, and in such case the court must appoint counsel if the minor is charged with misconduct which would constitute a felony if committed by an adult The court may continue the hearing for not to exceed seven days, as necessary to make an appointment of counsel, or to enable counsel to acquaint himself with the case, or to determine whether the parent or guardian or adult relative is indigent and unable to afford counsel at his own expense.

SEC 10. Section 702 of said code is amended to read:

702. After hearing such evidence, the court shall make a finding, noted in the minutes of the court, whether or not the

minor is a person described by Sections 600, 601, or 602. If it finds that the minor is not such a person, it shall order that the petition be dismissed and the minor be discharged from any detention or restriction theretofore ordered. If the court finds that the minor is such a person, it shall make and enter its findings and order accordingly and shall then proceed to hear evidence on the question of the proper disposition to be made of the minor. Prior to doing so, it may continue the hearing, if necessary, to receive the social study of the probation officer or to receive other evidence on its own motion or the motion of a parent or guardian for not to exceed 10 judicial days if the minor is detained during such continuance, provided, however, such hearing shall not be continued for more than five judicial days if the minor has been detained for more than 10 judicial days prior to the hearing set pursuant to Section 657, or, if the minor is not detained, it may continue the hearing to a date not later than 30 days after the date of filing of the petition. The court may, for good cause shown continue the hearing for an additional 15 days. if the minor is not detained. The court may make such order for detention of the minor or his release from detention, during the period of the continuance, as is appropriate.

SEC. 11. Section 778 of said code is amended to read:

778. Any parent or other person having an interest in a child who is a ward or dependent child of the juvenile court or the child himself through a properly appointed guardian may, upon grounds of change of circumstance or new evidence, petition the court in the same action in which the child was found to be a ward or dependent child of the juvenile court for a hearing to change, modify, or set aside any order of court previously made or to terminate the jurisdiction of the court. The petition shall be verified and, if made by a person other than the child, shall state the petitioner's relationship to or interest in the child and shall set forth in concise language any change of circumstance or new evidence which are alleged to require such change of order or termination of jurisdiction.

If it appears that the best interests of the child may be promoted by the proposed change of order or termination of jurisdiction, the court shall order that a hearing be held and shall give prior notice, or cause prior notice to be given, to such persons and by such means as prescribed by Sections 776 and 779, and, in such instances as the means of giving notice is not prescribed by such sections, then by such means as the court prescribes.

SEC. 12. Section 800 of said code is amended to read:

800. A judgment or decree of a juvenile court or final order of a referee which becomes effective without approval of a judge of the juvenile court assuming jurisdiction and declaring any person to be a person described in Section 600, 601, or 602, or on denying a motion made pursuant to Section 567, may be appealed from in the same manner as any final judgment, and any subsequent order may be appealed from as from

an order after judgment; but no such order or judgment shall be stayed by such appeal, unless suitable provision is made for the maintenance, care, and custody of such person pending the appeal, and unless such provision is approved by an order of the juvenile court Such appeal shall have precedence over all other cases in the court to which the appeal is taken.

SEC. 13. Section 13203 of the Vehicle Code is amended to read:

13203. In no event shall a court, other than a juvenile court, revoke or suspend the privilege of any person to operate a motor vehicle or as a condition of probation prohibit the operation of a motor vehicle for a period of time longer than that specified in this code. Any such prohibited order of a court, whether imposed as a condition of probation or otherwise, shall be null and void, and the department shall restore or reissue a license to any person entitled thereto irrespective of any such invalid order of a court.

CHAPTER 918

An act to add Section 12648.5 to the Water Code, relating to authorization of New Melones Reservoir and channel improvement project.

[Approved by Governor June 13, 1963. Filed with Secretary of State June 13, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 12648.5 is added to the Water Code, to read:

12648 5. The project for New Melones Reservoir and channel improvement on Stanislaus River is adopted and authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 453, 87th Congress, and adopted and authorized by the Act of Congress approved October 23, 1962, (Public Law 87-874) at an estimated state cost of one hundred eighty thousand dollars ($180,000).

CHAPTER 919

An act to amend Section 17 of the Penal Code, relating to classification of public offenses.

[Approved by Governor June 13, 1963 Filed with Secretary of State June 13, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 17 of the Penal Code is amended to read:

17. A felony is a crime which is punishable with death or by imprisonment in the state prison. Every other crime is a

misdemeanor. When a crime, punishable by imprisonment in the state prison, is also punishable by fine or imprisonment in a county jail, in the discretion of the court, it shall be deemed a misdemeanor for all purposes after a judgment imposing a punishment other than imprisonment in the state prison. Where a court commits a defendant to the Youth Authority upon conviction of a crime punishable, in the discretion of the court, by imprisonment in the state prison or fine or imprisonment in a county jail, the crime shall be deemed a misdemeanor.

Where a court grants probation to a defendant without imposition of sentence upon conviction of a crime punishable in the discretion of the court by imprisonment in the state prison or imprisonment in the county jail, the court may at the time of granting probation, or, on application of defendant or probation officer thereafter, declare the offense to be a misdemeanor.

CHAPTER 920

An act to amend Section 4850 of the Labor Code, relating to workmen's compensation.

[Approved by Governor June 13, 1963. Filed with Secretary of State June 13, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 4850 of the Labor Code is amended to read:

4850. Whenever any city policeman, city fireman, fireman of any fire district, sheriff or any officer or employee of a sheriff's office, or any inspector, investigator, detective or personnel with comparable title in any district attorney's office, who is a member of the State Employees' Retirement System is disabled, whether temporarily or permanently, by injury or illness arising out of and in the course of his duties, he shall become entitled, regardless of his period of service with the city or county, to leave of absence while so disabled without loss of salary, in lieu of temporary disability payments, if any, which would be payable under this chapter, for the period of such disability but not exceeding one year, or until such earlier date as he is retired on permanent disability pension. This section shall apply only to city policemen, sheriffs or any officer or employee of a sheriff's office, and any inspector, investigator, detective or personnel with comparable title in any district attorney's office, who are members of the State Employees' Retirement System and excludes such employees of a police department whose principal duties are those of a telephone operator, clerk, stenographer, machinist, mechanic, or otherwise and whose functions do not clearly fall within the scope of active law enforcement service, and excludes such

employees of a county sheriff's office whose principal duties are those of a telephone operator, clerk, stenographer, machinist, mechanic, or otherwise, and whose functions do not clearly come within the scope of active law enforcement service. It shall also apply to city firemen and firemen of any fire district who are members of the State Employees' Retirement System and excludes such employees of the city fire department and of any fire district whose principal duties are those of a telephone operator, clerk, stenographer, machinist, mechanic, or otherwise and whose functions do not clearly fall within the scope of active firefighting and prevention service. It shall also apply to deputy sheriffs subject to the County Employees Retirement Law of 1937 (Ch. 3 (commencing with Sec. 31450), Pt. 3, Div. 4, Title 3). If the employer is insured, the payments which, except for the provisions of this section, the insurer would be obligated to make as disability indemnity to the injured, the insurer may pay to the insured.

CHAPTER 921

An act to amend Sections 10150.6, 10153.7 and 10153.9 of, to add Section 10153.3 to, and to repeal Sections 10153.5 and 10205 of, the Business and Professions Code, relating to real estate sale licenses.

[Approved by Governor June 13, 1963 Filed with Secretary of State June 13, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 10150.6 of the Business and Professions Code is amended to read:

10150.6. The Real Estate Commissioner shall not grant an original real estate broker's license to any person who has not held a real estate salesman's license for at least two years and qualified for renewal real estate salesman status, within the five-year period immediately prior to the date of his application for the broker's license, and during such time was not actively engaged in the business of real estate salesman, except that an applicant for a real estate broker's license having at least the equivalent of two years' general real estate experience or graduation from a four-year college or university course, which course included specialization in real estate, files a written petition with the Division of Real Estate setting forth his qualifications and experience, and a committee of not less than three members of the State Real Estate Commission approves, he may be issued a real estate broker's license immediately upon passing the examination and satisfying the other requirements of this article.

SEC. 2. Section 10153.3 is added to said code, to read:

10153.3. The examination for an original real estate broker's license shall, in addition to the requirements of Section 10153, include separate and distinct sessions, devoted to determining that the applicant has both:

(a) An understanding of the legal aspects of real estate.

(b) An understanding of real estate practice.

An applicant for a real estate broker's license may, in lieu of meeting the requirements of subdivision (a), submit evidence, satisfactory to the commissioner, of successful completion of a three-unit course in the legal aspects of real estate at an accredited institution of higher learning.

An applicant for a real estate broker's license may, in lieu of meeting the requirements of subdivision (b), submit evidence, satisfactory to the commissioner, of successful completion of a three-unit course in real estate practice at an accredited institution of higher learning.

As used herein, "accredited institution" shall mean a college or university which either:

(1) Is accredited by the Western Association of Schools and Colleges or by any other regional accrediting agency recognized by the United States Department of Health, Education and Welfare, Office of Education.

(2) In the judgment of the commissioner, has a real estate curriculum equivalent in quality to that of the institutions accredited pursuant to subdivision (1).

SEC. 3. Section 10153.5 of said code is repealed.

SEC. 4. Section 10153.7 of said code is amended to read:

10153.7. All original real estate salesman's licenses issued by the commissioner shall be for a period of one year. An original real estate salesman licensee may obtain a second, successive one-year original real estate salesman's license by applying not later than three months after expiration of the first original license, and by satisfying all of the requirements therefor except the original qualifying examination. The holder of a second, successive one-year original real estate salesman's license may become eligible for a renewal real estate salesman's license by passing an examination which shall be given by the commissioner prior to the termination of the second one-year original real estate salesman's license period. If the applicant fails the examination referred to in this section, he may take a re-examination, providing the application and payment of the appropriate fee is made prior to the expiration of the license. The re-examination must be taken within 60 days after the expiration of the second, successive original real estate salesman's license. Notwithstanding any other provision of this section, or of any other section of this part, any right to apply for a second, successive original license expires one year after the expiration of an original license.

SEC. 5. Section 10153.9 of said code is amended to read:

10153.9. When the holder of a second, successive original real estate salesman's licensee fails to pass an examination for a renewal real estate salesman's license, he may not apply for any real estate salesman's license until one year has elapsed since the expiration date of the second, successive license.

SEC. 6. Section 10205 of said code is repealed.

CHAPTER 922

An act to amend Sections 3632 and 3982 of the Public Utilities Code, relating to accident liability insurance.

[Approved by Governor June 13, 1963. Filed with Secretary of State June 13, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 3632 of the Public Utilities Code is amended to read:

3632. The protection required under Section 3631 shall be evidenced either:

By the deposit with the commission, covering each vehicle used or to be used under the permit applied for,

(1) Of a policy of insurance, issued by a company licensed to write such insurance in the State; or

(2) Of a bond of a surety company licensed to write surety bonds in the State.

(3) Of such evidence of qualification of the carrier as a self-insurer as may be authorized by the commission.

SEC. 2. Section 3982 of said code is amended to read:

3982. The protection required under Section 3981 shall be evidenced by the deposit with the commission, covering each vehicle used or to be used under the permit applied for,

(1) Of a policy or policies of insurance, issued by a company licensed to write such insurance in the State; or

(2) Of a bond or a surety company licensed to write surety bonds in the State.

(3) Of such evidence of qualification of the carrier as a self-insurer as may be authorized by the commission.

With the consent of the commission a copy of an insurance policy, duly certified by the company issuing it to be a true copy of the original policy, or a photostatic copy thereof, or an abstract of the provisions of said policy, or a certificate of insurance issued by the company issuing such policy, may be filed with the commission in lieu of the original or a duplicate or counterpart of said policy.

CHAPTER 923

An act to amend Section 2609 of the Business and Professions Code, relating to physical therapists.

[Approved by Governor June 13, 1963. Filed with Secretary of State June 13, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 2609 of the Business and Professions Code is amended to read:

2609. The board shall examine applicants for registration as physical therapists at such times and places as it may determine. It may employ registered physical therapists to aid it in such examinations. The examinations shall embrace the following subjects: anatomy, neuroanatomy, physiology, pathology, physics, psychology, kinesiology, physical therapy as applied to medicine, neurology, orthopedics, pediatrics, psychiatry and surgery, and technical procedures in the practice of physical therapy.

CHAPTER 924

An act to amend Sections 821 and 822 of the Penal Code, relating to disposition of arrested persons.

[Approved by Governor June 13, 1963. Filed with Secretary of State June 13, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 821 of the Penal Code is amended to read:

821. If the offense charged is a felony, and the arrest occurs in the county in which the warrant was issued, the officer making the arrest must take the defendant before the magistrate who issued the warrant or some other magistrate of the same county.

If the defendant is arrested in another county, the officer must, without unnecessary delay, inform the defendant in writing of his right to be taken before a magistrate in that county, note on the warrant that he has so informed defendant, and, upon being required by defendant, take him before a magistrate in that county, who must admit him to bail in the amount specified in the endorsement referred to in Section 815a, and direct the defendant to appear before the court or magistrate by whom the warrant was issued on or before a day certain which shall in no case be more than 10 days after such admittance to bail. If bail be forthwith given, the magistrate shall take the same and endorse thereon a memorandum of the aforesaid order for the appearance of the defendant.

If the warrant on which the defendant is arrested in another county does not have bail set thereon, or if the defendant arrested in another county does not require the arresting officer to take him before a magistrate in that county for the purpose of being admitted to bail, or if such defendant, after being admitted to bail, does not forthwith give bail, the arresting officer shall immediately notify the law enforcement agency requesting the arrest in the county in which the warrant was issued that such defendant is in custody, and thereafter such law enforcement agency shall take custody of such defendant within five days in the county in which he was arrested and shall take such defendant before the magistrate who issued the warrant, or before some other magistrate of the same county.

SEC. 2. Section 822 of said code is amended to read:

822. If the offense charged is a misdemeanor, and the defendant is arrested in another county, the officer must, without unnecessary delay, inform the defendant in writing of his right to be taken before a magistrate in that county, note on the warrant that he has so informed defendant, and, upon being required by defendant, take him before a magistrate in that county, who must admit him to bail in the amount specified in the indorsement referred to in Section 815a, and direct the defendant to appear before the court or magistrate by whom the warrant was issued on or before a day certain which shall in no case be more than 10 days after such admittance to bail. If bail be forthwith given, the magistrate shall take the same and indorse thereon a memorandum of the aforesaid order for the appearance of the defendant.

If the defendant arrested in another county on a misdemeanor charge does not require the arresting officer to take him before a magistrate in that county for the purpose of being admitted to bail, or if such defendant, after being admitted to bail, does not forthwith give bail, the arresting officer shall immediately notify the law enforcement agency requesting the arrest in the county in which the warrant was issued that such defendant is in custody, and thereafter such law enforcement agency shall take custody of such defendant within five days in the county in which he was arrested and shall take such defendant before the magistrate who issued the warrant, or before some other magistrate of the same county.

If a defendant is arrested in another county on a warrant charging a misdemeanor violation of the Vehicle Code or of any local ordinance relating to stopping, standing, parking, or operation of a motor vehicle, upon which warrant the amount of bail is indorsed as provided in Section 815a, and defendant is held in jail in the county of arrest pending appearance before a magistrate, the officer in charge of the jail shall, to the same extent as provided by Section 1269b, have authority to accept bail from defendant in the amount indorsed on the warrant and, on posting of such bail, shall discharge defendant from custody.

CHAPTER 925

An act to amend Section 23754 of the Education Code, relating to state colleges.

[Approved by Governor June 13, 1963. Filed with Secretary of State June 13, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 23754 of the Education Code is amended to read:

23754. Except as otherwise specially provided, an admission fee and rate of tuition fixed by the trustees shall be required of each nonresident student. The rate of tuition to be paid by each nonresident student shall not be less than three hundred sixty dollars ($360) per year, except that the rate of tuition to be paid by each nonresident student who is a citizen and resident of a foreign country shall be two hundred fifty-five dollars ($255) per year.

No admission fee or tuition fee shall be required of any student who is a citizen and resident of a foreign country and who attends a state college under an agreement entered into by a governmental agency formed under the Constitution or laws of this State or a nonprofit corporation or organization so formed, with a similar agency, or corporation or association, domiciled in and organized under the laws of a foreign country, where a principal purpose of the agreement is to encourage the exchange of students with the view of enhancing international good will and understanding. The trustees shall, in each instance, determine whether the conditions for such exemption from fees exist and may prescribe appropriate procedures to be complied with in obtaining the exemption.

No admission fee or tuition fee shall be required of any nonresident student who is the child or spouse of an academic or administrative employee of the California State Colleges.

CHAPTER 926

An act to amend Sections 20782, 20783 and 20788 of the Government Code, relating to State Employees' Retirement Law, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 13, 1963. Filed with Secretary of State June 13, 1963.]

The people of the State of California do enact as follows.

SECTION 1. Section 20782 of the Government Code is amended to read:

20782. From the General Fund in the State Treasury there shall be transferred from time to time, to the Old Age and

Survivors Insurance Revolving Fund the amount of employer federal contributions with respect to salaries and wages paid on and after July 1, 1963, or paid prior to but included in reports of adjustments of covered wages filed by the State on or after said date, for those state members covered by the agreement whose compensation is paid from either:

(a) The General Fund.

(b) Funds of or funds appropriated to the university.

(c) The Vocational Education Fund, the Vocational Rehabilitation Fund, or any other fund received, in whole or in part, as a donation to the State under restrictions preventing its use for the payment of employer federal contributions

(d) The Senate Contingent Fund or the Assembly Contingent Fund.

SEC. 2. Section 20783 of the Government Code is amended to read:

20783. From each other fund in the State Treasury there shall be transferred from time to time to the Old Age and Survivors Insurance Revolving Fund the amount of employer federal contributions with respect to salaries and wages paid on and after July 1, 1963, or paid prior to but included in reports of adjustments of covered wages filed by the State on or after said date, for those state employees covered by the agreement whose compensation is paid from that fund and in respect to which compensation the employer's federal contribution is not required to be made from the General Fund.

SEC. 3. Section 20788 of said code is amended to read:

20788. Employer federal contributions required with respect to salaries and wages paid before July 1, 1963, and included in the regular quarterly reports of such wages for services rendered after the effective date of coverage of state and university employees, shall be paid from the State Employees' Retirement Fund to the Old Age and Survivors Insurance Revolving Fund and shall be charged in the accounts of the state system to the State's accumulated contributions for current service.

The board shall certify to the State Controller, from time to time, the total amount of employer federal contributions required with respect to such salaries and wages and the Controller shall thereupon transfer such amount from the State Employees' Retirement Fund to the Old Age and Survivors Insurance Revolving Fund.

SEC. 4. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The authority provided by Section 4.3 of the Budget Act of 1962 to draw employer contributions to the federal social security program from the State Employees' Retirement Fund

will expire on June 30, 1963. To assure an orderly transfer to the procedure provided by Sections 20782, 20783 and 20788 of the Government Code it is necessary that these amendments take effect on the first day of the fiscal year commencing July 1, 1963.

CHAPTER 927

An act to amend Sections 11010, 11018, and 11019 of, to add Sections 11007, 11018.2, 11018.3, 11022, and 11023 to, and to repeal Sections 11000.5 and 11020 of, the Business and Professions Code, relating to subdivided lands.

[Approved by Governor June 13, 1963 Filed with Secretary of State June 13, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 11000.5 of the Business and Professions Code is repealed.

SEC. 2. Section 11007 is added to said code, to read:

11007. Every nonresident subdivider shall file with the questionnaire an irrevocable consent that if, in any action commenced against him in this State, personal service of process upon him cannot be made in this State after the exercise of due diligence, a valid service may thereupon be made upon him by delivering the process to the Secretary of State.

Insofar as possible, the provisions of Section 1018 of the Code of Civil Procedure relating to the service of process on the Secretary of State are applicable to this section.

SEC. 3. Section 11010 of said code is amended to read:

11010. Prior to the time when subdivided lands are to be offered for sale or lease, the owner, his agent or subdivider shall notify the commissioner in writing of his intention to sell or lease such offering.

The notice of intention shall contain the following information:

(a) The name and address of the owner.

(b) The name and address of the subdivider.

(c) The legal description and area of lands.

(d) A true statement of the condition of the title to the land, particularly including all encumbrances thereon.

(e) A true statement of the terms and conditions on which it is intended to dispose of the land, together with copies of any contracts intended to be used.

(f) A true statement of the provisions, if any, that have been made for public utilities in the proposed subdivision, including water, electricity, gas and telephone facilities.

(g) A true statement of the use or uses for which the proposed subdivision will be offered.

(h) A true statement of the provisions, if any, limiting the use or occupancy of the parcels in the subdivision.

(i) Such other information as the owner, his agent, or subdivider, may desire to present.

SEC. 4. Section 11018 of said code is amended to read:

11018. The Real Estate Commissioner shall make an examination of any subdivision, and shall, unless there are grounds for denial, issue to the subdivider a public report authorizing the sale or lease in this State of the lots or parcels within the subdivision. The commissioner may publish the report.

The grounds for denial are:

(a) Failure to comply with any of the provisions in this chapter or the regulations of the commissioner pertaining thereto.

(b) The sale or lease would constitute misrepresentation to or deceit or fraud of the purchasers or lessees.

(c) Inability to deliver title or other interest contracted for.

(d) Inability to demonstrate that adequate financial arrangements have been made for all offsite improvements included in the offering.

(e) Inability to demonstrate that adequate financial arrangements have been made for any community, recreational or other facilities included in the offering.

(f) Failure to make a showing that the parcels can be used for the purpose for which they are offered.

(g) Failure to provide in the contract or other writing the use or uses for which the parcels are offered, together with any covenants or conditions relative thereto.

(h) Agreements or bylaws to provide for management or other services pertaining to common facilities in the offering, which fail to comply with the regulations of the commissioner

SEC. 5. Section 11018.2 is added to said code, to read:

11018.2. No person shall sell or lease, or offer for sale or lease in this State any lots or parcels in a subdivision without first obtaining a public report from the commissioner.

SEC. 6. Section 11018.3 is added to said code, to read:

11018.3. Any subdivider objecting to the denial of a public report may, within 30 days after receipt of the order of denial, file a written request for a hearing. The commissioner shall hold the hearing within 20 days thereafter unless the party requesting the hearing shall have requested a postponement. If the hearing is not held within 20 days after request for a hearing is received plus the period of any such postponement or if a decision is not rendered within 45 days after submission, the order of denial shall be rescinded and a public report issued.

SEC. 7. Section 11019 of said code is amended to read:

11019. Whenever the commissioner finds that any owner, subdivider, or other person is violating any of the provisions of Chapter 1 of Part 2 or of the regulations pertaining thereto, or that the further sale or lease of lots or parcels in a subdivision would constitute grounds for denial of the issuance of a public report under the provisions of Section 11018, the commissioner may order the person to desist and refrain from violating the provisions of Chapter 1 of Part 2 or of the regulations pertaining thereto or from the further sale or lease of lots or parcels within the subdivision.

After such an order is made, the person or persons named therein may, within 30 days after receipt of the order, file a written request for a hearing. The commissioner shall hold a hearing within 15 days thereafter, unless the party requesting the hearing shall have requested a postponement. If the hearing is not held within 15 days after the request for hearing plus the period of any such postponement or if a decision is not rendered within 30 days after submission, the order shall be rescinded.

SEC. 8. Section 11020 of said code is repealed.

SEC. 9. Section 11022 is added to said code, to read:

11022. It shall be unlawful for any owner, subdivider, agent or employee of such subdivision or other person with intent directly or indirectly to sell or lease subdivided lands or lots or parcels therein, to authorize, use, direct or aid in the publication, distribution or circularization of any advertisement, radio broadcast or telecast concerning subdivided lands, which contains any statement, pictorial representation or sketch which is false or misleading.

Nothing in this section shall be construed to hold the publisher or employee of any newspaper, or any job printer, or any broadcaster, or telecaster, or any magazine publisher, or any of the employees thereof, liable for any publication herein referred to unless the publisher, employee, or printer has actual knowledge of the falsity thereof or has an interest either as an owner or agent in the subdivided lands so advertised.

SEC. 10. Section 11023 is added to said code, to read:

11023. Any person who violates any of the provisions of Section 11010, or Section 11010.1, or Section 11013.1, or Section 11013.2, or Section 11013.4, or Section 11018.2, or Section 11019, or Section 11022 of this code shall be guilty of a public offense punishable by a fine not exceeding five thousand dollars ($5,000) or by imprisonment in the state prison for a period not exceeding five (5) years or in the county jail not exceeding one (1) year, or by both such fine and imprisonment.

CHAPTER 928

An act to amend and renumber Section 7601 of, and to add Sections 7601, 7602, 7603, 7604, 7605, 7606, 7607, 7609, 7610, and 7611 to the Labor Code, relating to maritime industrial safety.

[Approved by Governor June 13, 1963. Filed with Secretary of State June 13, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 7601 of the Labor Code is amended and renumbered to read:

7608. Any person who violates any provisions of this part is guilty of a misdemeanor.

SEC. 2. Section 7601 is added to said code, to read:

7601. Handtrucks shall be maintained in a safe condition by the employer. Handles shall be maintained free of hazardous burrs, splinters, cracks or splits.

SEC. 3. Section 7602 is added to said code, to read:

7602. Handtools shall be kept in good condition and be safely stored by the employer. Unsafe handtools shall not be used.

SEC. 4. Section 7603 is added to said code, to read:

7603. The maximum weight of materials stored on building floors or load-carrying platforms, except those built directly on the ground, shall not exceed their safe carrying capacity.

Material, when stored, shall be piled, stacked, or racked in a manner designed to prevent it from tipping, falling, collapsing, rolling or spreading. Racks, bins, planks, sleepers, bars, strips, blocks, sheets, shall be used when necessary to make the piles stable.

SEC. 5. Section 7604 is added to said code, to read:

7604. Adequate and substantial bull rails, stringer rails or curbs shall be installed at the waterside of all flush aprons on such wharves, docks or piers as are in active service for movement of cargo therefrom to vessels. This section shall not apply to any pier designed with depressed spur tracks on at least one side, on which cargo is worked between rail cars and ships but not in the narrow wharf area between depressed tracks and pier edge.

SEC. 6. Section 7605 is added to said code, to read:

7605. The employer shall require that tools, machinery, gear and other equipment subject to wear be inspected at adequate intervals and unsafe conditions corrected. If tools, machinery, gear or equipment are found to be defective or otherwise unsafe, employees shall report the same to the person in charge of work who shall have it discarded, marked and so placed that it cannot be used again until made safe.

SEC. 7. Section 7606 is added to said code, to read:

7606. Every dock plate shall be constructed and maintained with strength sufficient to support the load carried thereon.

Dock plates shall be secured in position when spanning the space between the dock or the unloading platform and the vehicle. The dock plate, together with its securing devices, where used over spans of different lengths, shall be of such construction as will readily obtain rigid security over such spans.

The dock plates shall be so constructed and maintained that when they are secured in position the end edges of the plate shall be in substantial contact with dock or loading platform, and with the vehicle bed in such manner as to prevent rocking or sliding.

SEC. 8. Section 7607 is added to said code, to read:

7607. Internal combustion engine-driven equipment shall be operated inside of buildings or enclosed structures only when such operation does not result in harmful exposure to concentration of dangerous gases or fumes in excess of maximum acceptable concentrations. Exhaust pipes shall be installed in such a manner that the exhaust products shall be discharged so as not to be a hazard to the operators.

SEC. 9. Section 7609 is added to said code, to read:

7609. The provisions of Sections 7601 to 7607, inclusive, shall be applicable to longshore and stevedore operations.

SEC. 10. Section 7610 is added to said code, to read:

7610. The provisions of Sections 7601 to 7607, inclusive, Section 7609, and Section 7611 shall be effective until the 91st day after final adjournment of the 1965 Regular Session of the Legislature and thereafter shall have no force or effect.

SEC. 11. Section 7611 is added to said code, to read:

7611. Nothing in the foregoing sections of this part shall limit the authority of the division to prescribe or enforce general or special safety orders.

CHAPTER 929

An act to add Section 13864.1 to the Education Code, relating to state teachers' retirement.

[Approved by Governor June 13, 1963. Filed with Secretary of State June 13, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 13864.1 is added to the Education Code, to read:

13864.1. The board may take such action as it deems necessary to insure the continued right of retired persons, or beneficiaries of members or retired persons, to receive monthly payments. Such action may be in the form of properly witnessed affidavits or receipts from persons receiving said payments.

CHAPTER 930

An act to amend Sections 13661, 13663, and 13664 of the Government Code, relating to distribution of state publications.

[Approved by Governor June 13, 1963. Filed with Secretary of State June 13, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 13661 of the Government Code is amended to read:

13661. To the end that the policy specified in Section 13660 may be effectively carried out, the State Printer shall print two hundred (200) copies of each state publication unless the Department of Finance with the advice of the State Librarian determines that a lesser number will meet the requirements for deposit in a "library stockroom" (to be maintained by the State Printer for that purpose) for distribution to libraries as hereinafter provided, except that of legislative bills, daily journals, and daily or weekly histories, only one hundred (100) copies shall be printed for such deposit and distribution, and of publications not printed by the State Printer, the department, commission or other agency concerned shall print one hundred (100) copies for such distribution. An additional two (2) copies of each state publication as selected by the State Archivist shall be printed and delivered to the State Archivist by the State Printer or the department, commission, or other agency concerned, and all remaining copies in excess of two (2) copies heretofore received shall be distributed to interested parties without charge or destroyed. The cost of printing, publishing, and distributing such copies shall be fixed and charged pursuant to Section 13551. Additional amounts shall be charged by the State Printer to cover the cost of preparing, printing, and distributing the lists of publications required by Section 13667.

SEC. 2. Section 13663 of said code is amended to read:

13663. As soon as practicable after deposit of the copies in the library stockroom, the State Printer shall forward of each publication other than the legislative bills, daily journals and daily or weekly histories, fifty (50) copies to the State Library at Sacramento and twenty-five (25) copies each to the University of California libraries at Berkeley and Los Angeles. Such copies in excess of the number required for the institution itself, may be used for exchanges with other institutions or with agencies of other states and countries.

SEC. 3. Section 13664 of said code is amended to read:

13664. The copies remaining in the library stockroom, including the legislative bills, daily journals, and daily or weekly histories, shall be distributed as soon as practicable by the State Printer first one copy each to the libraries which are on his mailing list as "complete depositories," second one copy each to the libraries which are on his mailing list as "selective

depositories," and third the balance to any libraries which may write for a copy or copies. Publications not printed by the State Printer shall be distributed by the issuing department, commission or other agency as soon as practicable after printing, first to all "complete depositories," and second to "selective depositories," designated by the Department of Finance.

CHAPTER 931

An act to amend Sections 11506 and 11520 of the Government Code, relating to administrative adjudication.

[Approved by Governor June 13, 1963. Filed with Secretary of State June 13, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 11506 of the Government Code is amended to read:

11506. (a) Within 15 days after service upon him of the accusation the respondent may file with the agency a notice of defense in which he may:

(1) Request a hearing;

(2) Object to the accusation upon the ground that it does not state acts or omissions upon which the agency may proceed;

(3) Object to the form of the accusation on the ground that it is so indefinite or uncertain that he cannot identify the transaction or prepare his defense;

(4) Admit the accusation in whole or in part;

(5) Present new matter by way of defense.

Within the time specified respondent may file one or more notices of defense upon any or all of these grounds but all such notices shall be filed within that period unless the agency in its discretion authorizes the filing of a later notice.

(b) The respondent shall be entitled to a hearing on the merits if he files a notice of defense, and any such notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file such notice shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing. Unless objection is taken as provided in subdivision (a)(3), all objections to the form of the accusation shall be deemed waived.

(c) The notice of defense shall be in writing signed by or on behalf of the respondent and shall state his mailing address. It need not be verified or follow any particular form

(d) Respondent may file a statement by way of mitigation even if he does not file a notice of defense.

SEC. 2. Section 11520 of said code is amended to read:

11520. (a) If the respondent fails to file a notice of defense or to appear at the hearing, the agency may take action

based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent; and where the burden of proof is on the respondent to establish that he is entitled to the agency action sought, the agency may act without taking evidence.

(b) Nothing herein shall be construed to deprive the respondent of the right to make any showing by way of mitigation.

CHAPTER 932

An act to add Section 7511 to, and to repeal Section 7308 of, the Welfare and Institutions Code, relating to the Department of Mental Hygiene.

[Approved by Governor June 13, 1963. Filed with Secretary of State June 13, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 7511 is added to the Welfare and Institutions Code, to read:

7511. The Langley Porter Neuropsychiatric Institute and the Neuropsychiatric Institute, U.C.L.A. Medical Center shall each have an advisory board of five persons appointed by the Governor, each of whom holds office for the term of four years. Such boards shall advise and consult with the department with respect to the conduct of the several facilities. The members of the board shall serve without compensation other than necessary expenses incurred in attendance at meetings. Such boards shall be concerned with those phases of operations which are the responsibility of the Department of Mental Hygiene. They shall not be concerned with reference to affairs of the university.

SEC. 2. Section 7308 of said code is repealed.

CHAPTER 933

An act to amend Section 6732 of, and to add Section 6732.1 to, the Business and Professions Code, relating to the practice of engineering.

[Approved by Governor June 13, 1963. Filed with Secretary of State June 13, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 6732 of the Business and Professions Code is amended to read:

6732. It is unlawful for anyone other than a professional engineer registered under this chapter, to stamp or seal any plans, specifications, plats, reports, or other documents with

the seal or stamp of a professional engineer, or to in any manner use the title "professional engineer," "chemical engineer," "civil engineer," "electrical engineer," "mechanical engineer," "petroleum engineer," "industrial engineer," or "consulting engineer," or any combination of such words and phrases unless registered hereunder.

SEC. 2. Section 6732.1 is added to said code, to read:

6732.1. Any person who has been engaged in the practice of engineering exempt from the provisions of the chapter and who has used the title "consulting engineer" in such practice for a period of five years prior to the effective date of this section shall be exempt from the provisions of Section 6732 as it restricts the use of the title "consulting engineer" if he files application with the board before June 30, 1964, and pays a fee of ten dollars ($10), for permission to use that title. Such application shall disclose, under oath, information on the practice and use of the title by the applicant as required by this section.

The board shall grant an acknowledgment of the filing for the purposes of this section if it finds that the applicant qualified for the exemption provided in this section, and such exemption shall apply so long as the applicant remains in practice and advises the board of any change of address within 30 days of such change.

CHAPTER 934

An act to add Section 25503.6 to the Education Code, relating to public schools.

[Approved by Governor June 13, 1963. Filed with Secretary of State June 13, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 25503.6 is added to the Education Code, to read:

25503.6. The principal of any two-year junior college may admit to the summer session of the junior college as a special student any high school student who has completed the eleventh grade and whose admission to summer session is recommended by the principal of the high school in which the student completed the eleventh grade. A principal of a high school may recommend such a student as a special student pursuant to rules and regulations which may be adopted by the governing board of the district maintaining the high school. A principal of a high school shall not recommend a number of students who have completed the 11th grade in excess of 5 percent of the total number of students in the high school who have completed the 11th grade immediately prior to the time of recommendation.

The attendance of a student at junior college as a special summer session student pursuant to this section shall be credited to the district maintaining the junior college for the purposes of allowances and apportionments from the State School Fund, and the student shall receive credit for junior college courses which he completes, in the same manner as if he were a regularly enrolled junior college student.

Sections 25503.5 and 6401 to 6403, inclusive, do not apply to the special students authorized to be admitted to a junior college summer session pursuant to this section.

CHAPTER 935

An act to add Part 6 (commencing with Section 7600) to Division 6 of the Welfare and Institutions Code, relating to the Study Commission on Mental Retardation, and making an appropriation therefor.

[Approved by Governor June 13, 1963. Filed with Secretary of State June 13, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Part 6 (commencing with Section 7600) is added to Division 6 of the Welfare and Institutions Code, to read:

PART 6. STUDY COMMISSION ON MENTAL RETARDATION

7600. There is created in the state government the Study Commission on Mental Retardation. The commission shall be composed of 15 members to be appointed on or before January 1, 1964, by the Governor and to serve at his pleasure.

Members shall be selected from the fields of medicine, education, law, public health and welfare. The commission shall be composed of the directors of the following state departments: Education, Mental Hygiene, Employment, Public Health, and Social Welfare, two county supervisors, two local mental health directors, and six persons representing the general public.

The Governor shall designate the chairman of the commission.

7601. Two Members of the Senate, appointed by the Senate Committee on Rules, and two Members of the Assembly, appointed by the Speaker, shall meet with, and participate in, the work of the commission to the extent that such participation is not incompatible with their positions as Members of the Legislature. The Members of the Legislature appointed to the commission shall serve at the pleasure of the appointing power. For the purposes of this chapter, such Members of the Legislature shall constitute a joint interim legislative commit-

tee on the subject of this chapter and shall have the powers and duties imposed on such committees by the Joint Rules of the Senate and Assembly.

7602. The members of the commission shall serve without compensation, but shall be reimbursed for all actual and necessary expenses incurred in the performance of their duties.

7603. The Department of Mental Hygiene shall employ staff to assist the commission.

7604. The commission shall hold not less than four scheduled meetings each year. All meetings and hearings shall be open to the public.

7605. The chairman of the commission shall have the powers conferred upon heads of state departments by Section 11181 of the Government Code.

7606. The commission may employ and fix the compensation, in accordance with law, of an executive secretary and such other clerical and technical assistants as may be necessary.

7607. The commission shall study and make recommendations on the following:

(a) Planning and implementation of policies, procedures, programs, services and activities pertaining to identification, care, treatment, education and general rehabilitation of mentally retarded persons and research in the field of mental retardation.

(b) Full utilization of the services and facilities available to the State from the federal government for the benefit of mentally retarded persons.

(c) Statutory revisions necessary to carry out the recommendations of the commission.

7608. No administrative authority or responsibility shall be delegated to the commission other than that necessary to plan and execute a thorough inquiry into all aspects of mental retardation.

7609. The commission shall make an interim report to the Governor and to the Legislature not later than October 1, 1964, and shall make a final report to the Governor and to the Legislature by January 15, 1965. The commission shall cease to exist upon adjournment of the 1965 Regular Session of the Legislature.

SEC. 2. There is hereby appropriated from the General Fund the sum of twenty-five thousand dollars ($25,000) in augmentation of Item 146, Department of Mental Hygiene, of the Budget Act of 1963, provided that any federal funds received for the purposes provided for in Part 6 of Division 6 of the Welfare and Institutions Code shall be deposited in the General Fund to the credit of Item 146, Budget Act of 1963, provided further, a sum equal to the amount of federal funds deposited, not to exceed twenty-five thousand dollars ($25,000), shall revert to the unappropriated balance of the General Fund.

CHAPTER 936

An act to add Sections 5782.7.1 and 5782.7.2 to the Public Resources Code, relating to recreation and park districts.

[Approved by Governor June 13, 1963. Filed with Secretary of State June 13, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 5782.7.1 is added to the Public Resources Code, to read:

5782.7.1. If the district board of directors is the supervising authority of a county which has by ordinance provided a civil service system:

(a) An employee of the county holding a classified civil service position for which eligibility has been established as a result of a competitive examination and certification, and which is similar in grade or class to a position in the district, shall, upon request of the district, be certified by the civil service commission of the county as being eligible to transfer to and to hold such position in the district with the same status and without further examination.

(b) An employee of the district holding a classified civil service position for which eligibility has been established as a result of competitive examination and certification, and which is similar in grade or class to a position in the county, shall, upon request of the county, be certified by the civil service commission of the supervising authority as being eligible to transfer to and hold such position in the county with the same status and without further examination.

Any person entitled to participate in promotional examinations for positions in the classified civil service of either the county or the district shall be entitled to participate in promotional examinations for positions in the classified civil service of both the county and the district, pursuant to the civil service commission rules in effect at the time, and to be certified for said county or district position by the civil service commission of the county or supervising authority, and to be appointed to such county or district position.

SEC. 2. Section 5782.7.2 is added to said code, to read:

5782.7.2. In fixing compensation to be paid to employees subject to the civil service system of a district, the governing body of the district in each instance shall provide a salary or wage equal to the salary or wage paid to county employees for the same quality of service. This section shall apply only to a district:

(a) The governing body of which is the supervising authority of a county, and

(b) Which has by ordinance provided for a civil service system, and

(c) Is located in a county which operates under a freeholders' charter which requires that in the fixing of salaries

or wages for persons employed by the county subject to the civil service system of such county, the board of supervisors shall, in each instance, provide a salary or wage at least equal to the prevailing salary or wage for the same quality of service rendered to private persons under similar employment in case such prevailing salary or wage can be ascertained.

CHAPTER 937

An act adding Section 24227.5 to the Health and Safety Code, relating to officers and employees of air pollution control districts.

[Approved by Governor June 13, 1963. Filed with Secretary of State June 13, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 24227.5 is added to the Health and Safety Code, to read:

24227.5. In fixing compensation to be paid to persons subject to the civil service provisions of this article, the air pollution control board, in each instance, shall provide a salary or wage equal to the salary or wage paid to county employees for the same quality of service.

This section shall be operative only in those counties which are operating under freeholders' charters which require that in the fixing of salaries or wages for persons employed by the county subject to the civil service system of such county, the board of supervisors shall, in each instance, provide a salary or wage at least equal to the prevailing salary or wage for the same quality of service rendered to private persons under similar employment in case such prevailing salary or wage can be ascertained.

CHAPTER 938

An act to amend Section 232 of the Civil Code, relating to freedom from custody and control of parents.

[Approved by Governor June 13, 1963. Filed with Secretary of State June 13, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 232 of the Civil Code is amended to read:

232. An action may be brought for the purpose of having any person under the age of 21 years declared free from the

custody and control of either or both of his parents when such person comes within any of the following descriptions:

(a) Who has been left by either or both of his parents in the care and custody of another without any provision for his support, or without communication from either or both of his parents, for the period of one year with the intent on the part of such parent or parents to abandon such person. Such failure to provide, or such failure to communicate for the period of one year, shall be presumptive evidence of the intent to abandon. Such person shall be deemed and called a person abandoned by the parent or parents abandoning him. If in the opinion of the court the evidence indicates that either or both parents have made only token efforts to support or communicate with the child, the court may declare the child abandoned by such parent or parents.

When any person under the age of 21 years has been left by either or both of his parents in the care and custody of another without any provision for his support, or without communication from either or both of his parents for the period of six months, the petition provided for in Section 233 may be filed with respect to such person. The jurisdiction of the court extends to such person as fully as if such conditions had existed for a period of one year but no order or judgment freeing such person from the custody and control of either or both of his parents shall be made until such conditions of nonsupport or noncommunication shall have existed for a period of at least one year.

The fact that a child is in a foster care home, licensed under subdivision (a) of Section 1620 of the Welfare and Institutions Code, shall not prevent a licensed adoption agency which is planning adoption placement for the child, from instituting, under this subdivision, an action to declare such child free from the custody and control of his parents. When the requesting agency is a licensed county adoption agency, the county counsel and if there is no county counsel, the district attorney shall institute such action.

(b) Who has been cruelly treated or neglected by either or both of his parents, if such person has been a dependent child of the juvenile court, and such parent or parents deprived of his custody because of such cruel treatment or neglect, for the period of one year continuously immediately prior to the filing of a petition praying that he be declared free from the custody and control of such cruel or neglectful parent or parents.

(c) Whose parent or parents are habitually intemperate, or morally depraved, if such person has been a dependent child of the juvenile court, and the parent or parents deprived of his custody because of such intemperance, or moral depravity, for the period of one year continuously immediately prior to the filing of the petition praying that he be declared free from the custody and control of such habitually intemperate or morally depraved parent or parents.

(d) Whose parent or parents are deprived of their civil rights due to the conviction of a felony, if the felony of which such parent or parents were convicted is of such nature as to prove the unfitness of such parent or parents to have the future custody and control of the child, or if any term of sentence of such parent or parents is of such length that the child will be deprived of a normal home for a period of years.

(e) Whose parent or parents have, in a divorce action, been found to have committed adultery and been divorced on that ground, if the court finds that the future welfare of the child will be promoted by an order depriving such parent or parents of the control and custody of the child.

(f) Whose parent or parents have been declared by a court of competent jurisdiction to be mentally deficient or mentally ill, if the State Director of Mental Hygiene and the superintendent of the state hospital of which, if any, such parent or parents are inmates or patients certify that such parent or parents so declared to be mentally deficient or mentally ill will not be capable of supporting or controlling the child in a proper manner.

CHAPTER 939

An act to add Section 2419 to the Vehicle Code, relating to replacement of flares.

[Approved by Governor June 13, 1963. Filed with Secretary of State June 13, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 2419 is added to the Vehicle Code, to read:

2419. (a) Any member of the California Highway Patrol may give flares to any person as replacement for flares used by such person to warn traffic of an accident or other hazardous condition on a highway, provided such person was not required by law to give such warning, or was not involved in the accident or the creation of the hazardous condition. The officer shall not replace such flares unless he is reasonably satisfied that such person in fact placed the flares for which replacement is requested, and the person receiving the flares shall sign a receipt therefor on a form provided by the department.

(b) Notwithstanding any other provision of law, the person requesting replacement of flares shall not be required to file any claim for such flares.

CHAPTER 940

An act to add Section 14206.5 to the Elections Code, relating to the time for opening and closing polls.

[Approved by Governor June 13, 1963. Filed with Secretary of State June 13, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 14206.5 is added to the Elections Code, to read:

14206.5. In any county having a population of 300,000, or more, the polls shall be opened at 7 o'clock a.m. of the day of any election, including any primary election, and shall be kept open until 8 o'clock p.m. of the same day, when the polls shall be closed, except as provided in Section 14436.

CHAPTER 941

An act relating to the conveyance of land to the City and County of San Francisco.

[Approved by Governor June 13, 1963 Filed with Secretary of State June 13, 1963]

The people of the State of California do enact as follows:

SECTION 1. There is hereby granted to the City and County of San Francisco, a municipal corporation of the State of California, all the right, title and interest of the State of California, held by said State by reason of its sovereign power, and to the following described parcels of land situate in the City and County of San Francisco, State of California, and described as follows, to wit:

Parcel 1.

Beginning at the point of intersection of the center line of Laguna Street with the easterly prolongation of the center line of Marina Boulevard, 100 feet wide, according to "Map showing the widening and opening of streets in the Marina Gardens and portion of Western Addition", recorded February 3, 1931 in Book "M" of Maps at pages 38 and 39 in the office of the Recorder of the City and County of San Francisco, State of California, and thence running northerly along said center line of Laguna Street and the northerly prolongation thereof 1,359.337 feet; thence at a right angle westerly 996.875 feet to the easterly line of the real property granted to the City and County of San Francisco by the State of California under authority of an Act described in Statutes of 1935, Chapter 437, page 1484; thence at a right angle southerly along said easterly line 28.087 feet to the easterly prolongation

of the northerly line of real property acquired by the City and County of San Francisco and described in Parcel "B" of the deed recorded August 18, 1921 in Book 318 of Official Records at page 356 in the office of said Recorder; thence at a right angle easterly along said easterly prolongation of said northerly line 34.375 feet to the northerly prolongation of the center line of Webster Street; thence at a right angle southerly along said northerly prolongation and the center line of Webster Street 817.34 feet to a line drawn parallel with and perpendicularly distant northeasterly 50 feet from the southwesterly line of Marina Boulevard according to above mentioned Map; thence deflecting 47 degrees 45' 00" to the left from the preceding course and running southeasterly along said line so drawn, being also the center line of said Marina Boulevard 100 feet wide, 694.27 feet to the westerly prolongation of the center line of said Marina Boulevard, 100 feet wide; thence deflecting 42 degrees 15' 00" to the left from the preceding course and running easterly along said line so prolonged, and said center line and the easterly prolongation thereof 495.69 feet to the point of beginning.

Parcel 2.

Beginning at the point of intersection of the center line of Steiner Street with a line parallel with and 50 feet northerly from the southerly line of Marina Boulevard and thence running northerly along said center line of Steiner Street 659.38 feet to the southerly line of the real property granted to the City and County of San Francisco by the State of California under authority of an Act described in Statutes of 1935, Chapter 437, page 1484; thence at a right angle easterly along said southerly line and its easterly prolongation 962.50 feet to the northerly prolongation of the center line of Webster Street; thence at a right angle southerly along said northerly prolongation and the center line of Webster Street 817.34 feet to a line drawn parallel with and perpendicularly distant northeasterly 50 feet from the southwesterly line of Marina Boulevard according to "Map showing the widening and opening of streets in the Marina Gardens and portion of Western Addition", recorded February 3, 1931 in Book "M" of Maps at pages 38 and 39 in the office of the Recorder; of City and County of San Francisco, State of California; thence deflecting 132 degrees 15' 00" to the right from the preceding course and running northwesterly along said line so drawn 100.00 feet; thence running northwesterly and westerly along the arc of a curve to the left, tangent to the preceding course with radius 256.189 feet, central angle 47 degrees 45' 00", a distance of 213.51 feet to said hereinabove first mentioned parallel line, said line being also the center line of said Marina Boulevard, 100 feet wide; thence running westerly along said parallel line tangent to the preceding curve, 705.63 feet to the point of beginning.

Parcel 3.

Beginning at the point of intersection of the center line of Steiner Street with a line parallel with and 50 feet northerly from the southerly line of Marina Boulevard and thence running northerly along said center line of Steiner Street 659.38 feet to the southerly line of the real property granted to the City and County of San Francisco by State of California under authority of an Act described in Statutes of 1935, Chapter 437, page 1484; thence at a right angle westerly along said southerly line to the center line of Lyon Street; thence southerly along said center line of Lyon Street 659.82 feet, more or less, to the westerly prolongation of the center line of Marina Boulevard; (formerly Tonquin Street) thence easterly along said line so prolonged and said center line of Marina Boulevard and the easterly prolongation thereof to the point of beginning.

All of the above described real property hereby granted shall be forever held by said City and County of San Francisco and by its successors in trust for the uses and purposes and upon the express conditions following, to wit:

(a) That said lands shall be used by said city and county and its successors for purposes in which there is a general statewide interest as follows:

(1) For the establishment, improvement and conduct of a harbor, and for the construction, reconstruction, repair, maintenance, and operation of wharves, docks, piers, slips, quays, and all other works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of commerce and navigation

(2) For all commercial and industrial uses and purposes, and the construction, reconstruction, repair and maintenance of commercial and industrial buildings, plants and facilities, as may be specified by the city council, after public hearing.

(3) For the establishment, improvement and conduct of an airport and heliport or aviation facilities, including but not limited to approach, takeoff and clear zones in connection with airport runways, and for the construction, reconstruction, repair, maintenance and operation of terminal buildings, runways, roadways, aprons, taxiways, parking areas, and all other works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of air commerce and air navigation.

(4) For the construction, reconstruction, repair and maintenance of highways, streets, roadways, bridges, belt line railroads, parking facilities, power, telephone, telegraph or cable lines or landings, water and gas pipelines, and all other transportation and utility facilities or betterments incidental, necessary or convenient for the promotion and accommodation of any of the uses set forth in this Section 1.

(5) For the construction, reconstruction, repair, maintenance and operation of public buildings, public assembly and meeting places, convention centers, parks, playgrounds, bathhouses and bathing facilities, recreation and fishing piers,

public recreation facilities, including but not limited to public golf courses, and for all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any such uses.

(6) For the establishment, improvement and conduct of small boat harbors, marinas, aquatic playgrounds and similar recreational facilities, and for the construction, reconstruction, repair, maintenance and operation of all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any of such uses, including but not limited to snackbars, cafes, restaurants, motels, launching ramps and hoists, storage sheds, boat repair facilities with cranes and marine ways, administration buildings, public restrooms, bait and tackle shops, chandleries, boat sales establishments, service stations and fuel docks, yacht club buildings, parking areas, roadways, pedestrianways and landscaped areas.

(b) Said city and county, or its successors shall not, at any time, grant, convey, give or alienate said lands, or any part thereof, to any individual, firm or corporation for any purposes whatever; provided, that said city and county, or its successors, may grant franchises thereon for limited periods, not exceeding 66 years, for wharves and other public uses and purposes, and may lease said lands, or any part thereof, for limited periods, not exceeding 66 years, for purposes consistent with the trusts upon which said lands are held by the State of California, and with the requirements of commerce and navigation, and collect and retain rents and other revenues from such leases, franchises and privileges. Such lease or leases, franchises and privileges may be for any and all purposes which shall not interfere with commerce and navigation.

(c) Said lands shall be improved without expense to the State; provided, however, that nothing contained in this act shall preclude expenditures for the development of said lands for any public purpose not inconsistent with commerce, navigation and fishery, by the State, or any board, agency or commission thereof, when authorized or approved by the city and county, nor by the city and county of any funds received for such purpose from the State or any board, agency or commission thereof.

(d) In the management, conduct, operation and control of said lands or any improvements, betterments, or structures thereon, the city and county or its successors shall make no discrimination in rates, tolls or charges for any use or service in connection therewith.

(e) The State of California shall have the right to use without charge any transportation, landing or storage improvements, betterments or structures constructed upon said lands for any vessel or other watercraft, aircraft, or railroad owned or operated by the State of California.

(f) There is hereby reserved to the people of the State of California the right to fish in the waters on said lands with

the right of convenient access to said water over said lands for said purpose.

(g) There is hereby excepted and reserved in the State of California, all deposits of minerals, including oil and gas, in said lands, and to the State of California, or persons authorized by the State of California, the right to prospect for, mine, and remove such deposits from said lands.

(h) Said lands are granted subject to the express reservation and condition that the State may at any time in the future use said lands or any portion thereof for highway purposes without compensation to the city and county, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements, betterments or structures have been placed upon the property taken by the State for said purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements, betterments or structures taken or the damages to such interest.

(i) The State Lands Commission shall, at the cost of the city, survey and monument the granted lands and record a description and plat thereof in the office of the County Recorder of the City and County of San Francisco.

(j) That within 10 years from the effective date of this act said lands shall be substantially improved by said city and county without expense to the State, and if the State Lands Commission determines that the city and county has failed to improve said lands as herein required, all right, title, and interest of said city and county in and to all lands granted by this act shall cease and said lands shall revert and vest in the State.

CHAPTER 942

An act to add Section 2396.5 to the Business and Professions Code, relating to the practice of medicine.

[Approved by Governor June 13, 1963. Filed with Secretary of State June 13, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 2396.5 is added to the Business and Professions Code, to read:

2396.5. In addition to those persons authorized by Section 2396 to use the term or suffix "M.D.," those persons who meet all of the requirements of subdivisions (a), (b), and (c) of this section may use such term or suffix:

(a) He shall be eligible, as provided hereinafter, for examination and licensure by the Board of Medical Examiners and shall successfully pass that examination;

(b) He shall obtain a degree of doctor of medicine from a school of medicine located in the State of California at any

time prior to December 31, 1963, which school is approved by the Board of Medical Examiners at the time of the issuance of such degree; and

(c) He shall file a written election to use the term or suffix "M.D." as provided in Section 2396 of this code within 30 days after written notice that he has passed such examination.

In the event of the election to use such term or suffix, the use of the term or suffix "D.O." constitutes unprofessional conduct within the meaning of this chapter. In the absence of such election, the use of the term or suffix "M.D." constitutes unprofessional conduct within the meaning of this chapter. Any person who properly qualifies to use the term or suffix "M.D." under this section shall be subject to the jurisdiction of the Board of Medical Examiners.

In addition to those persons otherwise authorized to take the examination for licensure given by the Board of Medical Examiners, a person shall be eligible to take such examination required under subdivision (a) hereof, if he meets all of the following qualifications:

(1) He shall have been a resident of the State of California on January 1, 1963;

(2) He shall have been, on that date, in his last year of study at an osteopathic school approved during the academic year 1961-62 by the Board of Osteopathic Examiners of the State of California, or he shall have graduated from an osteopathic college approved by the Board of Osteopathic Examiners of the State of California and have been serving an internship, at that date, in a hospital either approved at that time for intern training by the Board of Medical Examiners, or approved during the academic year 1961-62 by the Board of Osteopathic Examiners.

(3) He shall have complied or be able to comply with those provisions of the Medical Practice Act (Chapter 5, commencing with Section 2000, of Division 2 of this code) which were applicable on January 1, 1962, to a person applying to the board for a certificate, including the requirement as to examination.

CHAPTER 943

An act to amend Section 2302 of the Health and Safety Code, relating to mosquito abatement districts.

[Approved by Governor June 13, 1963. Filed with Secretary of State June 13, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 2302 of the Health and Safety Code is amended to read:

2302. The board of supervisors of each county in which any part of a district is situated shall, at the time of levying

county taxes, levy a tax to be known as the "_____ Mosquito Abatement District tax," sufficient to raise the amount reported to it by the district board, upon property of the district in the county. The board of supervisors shall, unless the alternative procedure of distributing taxes which is prescribed by Chapter 3 (commencing with Section 4701), Part 8, Division 1 of the Revenue and Taxation Code is in effect in such county, determine the rate of the tax by deducting 15 percent for anticipated delinquencies from the total assessed value of the taxable property of the district within the county as it appears on the assessment roll of the county, and then dividing the sum reported to it by the district board by the remainder of the total assessed value. In any county in which the alternative procedure of distributing taxes is in effect, the board of supervisors shall determine the rate of the tax by dividing the sum reported to it by the district board by the total assessed value of the taxable property of the district within the county as it appears on the assessment roll of the county.

CHAPTER 944

An act to amend Section 817 of the Penal Code, relating to peace officers.

[Approved by Governor June 13, 1963. Filed with Secretary of State June 13, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 817 of the Penal Code is amended to read:

817. A peace officer is the sheriff, undersheriff, deputy sheriff, coroner, deputy coroner, regularly employed and paid as such of a county, marshal or deputy marshal of a municipal court, constable of a judicial district, marshal, policeman of a city or town, or any juvenile officer of a city or town engaged in performing juvenile law enforcement functions which are generally performed by the local police department, the Deputy Director of the State Department of Justice, the chief, assistant chief, special agents of the Bureau of Criminal Identification and Investigation, the chief, assistant chief and narcotic agents of the Bureau of Narcotic Enforcement, and any parole officer of the State Department of Corrections, and any placement or parole officer of the Youth Authority.

Inspectors and investigators regularly employed and paid as such in the office of a district attorney, members of the California Highway Patrol, policemen of the Board of State Harbor Commissioners for San Francisco Harbor, a supervisor or guard employed by the Department of Corrections, each member of an arson investigating unit of an organized fire department, the chief and inspectors of the Bureau of Food and Drug

Inspection, inspectors and investigators of the California State Board of Pharmacy not exceeding 10 in number, investigators of the Board of Medical Examiners of the State of California, special investigators of the Board of Osteopathic Examiners of the State of California, investigators of the Board of Chiropractic Examiners of the State of California, and investigators of the Department of Motor Vehicles are respectively peace officers for the purpose only of carrying out the duties of their respective employments.

Any qualified person, when deputized or appointed by the proper authority as a deputy sheriff or city policeman for the purpose only of transporting prisoners, is a peace officer while engaged in the transportation of prisoners.

When a sheriff designates any qualified public officer or employee as a deputy sheriff for the purpose of supervising the labor of county prisoners, such person, while acting in the performance of such services, is a peace officer.

Each deputized law enforcement member of the Wildlife Protection Branch of the Department of Fish and Game shall be deemed a peace officer for the purposes set forth in Section 856 of the Fish and Game Code.

When in any law a public officer or employee is designated as, given the powers of, or determined to be, a peace officer, such officer or employee shall be deemed to be a peace officer but only for the purpose of that law.

The restriction of peace officer functions of any public officer or employee shall not affect his status for purposes of retirement.

CHAPTER 945

An act to add Section 461 to the Health and Safety Code, relating to public health education.

[Approved by Governor June 13, 1963. Filed with Secretary of State June 13, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 461 is added to the Health and Safety Code, to read:

461. The board of supervisors of any county, in addition to its other powers and duties may acquire or construct exhibits and displays depicting all or parts of the human body and functions thereof for the purpose of educating the public with regard to human health, and maintain, operate and manage said exhibits and displays in any county or other public building. It may enter into contracts or leases with any other governmental agency or any nonprofit association or corporation, including a county medical association, for the construction and acquisition of such exhibits and displays, and for the maintenance, operation and management of said ex-

hibits and displays in any county or other public building, without consideration except the agreement of said contracting or leasing agency, association or corporation to construct, acquire, maintain, operate and manage said exhibits and displays for the purpose of public health education and upon such other terms and conditions as may be agreed upon by the board and said contracting or leasing agency, association or corporation.

CHAPTER 946

An act to add Section 446 to the Welfare and Institutions Code, relating to public assistance.

[Approved by Governor June 13, 1963. Filed with Secretary of State June 13, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 446 is added to the Welfare and Institutions Code, to read:

446. Each county agency which administers public assistance shall compile and maintain a list of private and public agencies which provide charitable and social services in the county, showing the name of each agency and the type of service performed by the agency. If an applicant for public assistance, including an applicant for assistance under the provisions of Chapter 2 (commencing with Section 2500) of Division 4 of this code, is found to be ineligible for such assistance, the county agency, if necessary, shall make every effort to refer him to an agency in the county that may be able to assist him with his problem.

CHAPTER 947

An act to add Section 22305.1 to the Water Code, relating to bids and rejection thereof, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 13, 1963 Filed with Secretary of State June 13, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 22305.1 is added to the Water Code, to read:

22305.1. In the event construction of the work is to be paid for primarily from funds to be derived from the sale of revenue bonds, and all proposals are rejected, for the reason that the funds that can be made available are inadequate to finance the work under the bids received, the board may

negotiate downward with any of the bidders for the construction or performance of the work or improvement or substantially similar work or improvement.

This section shall apply only to irrigation districts containing more than 250,000 acres but not more than 300,000 acres, and shall remain in effect until the 91st day after the final adjournment of the 1965 Regular Session of the Legislature and shall have no force or effect after that date.

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Irrigation districts are completing the engineering and design for various projects providing for the development of water resources within their boundaries, and it is necessary that they be able to proceed to contract for the construction of such projects at the earliest possible date. Unless this act takes effect immediately, the urgently needed development of water resources within the jurisdiction of these districts may be substantially delayed.

CHAPTER 948

An act to amend Section 19622 of, and to repeal Section 19624 of, the Business and Professions Code, relating to the California State Fair and Exposition.

[Approved by Governor June 15, 1963. Filed with Secretary of State June 15, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 19622 of the Business and Professions Code is amended to read:

19622. The following amounts are hereby annually appropriated out of the fund:

(a) Two hundred sixty-five thousand dollars ($265,000) for the support of the California State Fair and Exposition

(b) Two hundred fifty thousand dollars ($250,000) for the support of the Los Angeles County Fair.

(c) Two hundred fifty thousand dollars ($250,000) for the support of the 1-A District Agricultural Association.

(d) One hundred twenty-five thousand dollars ($125,000) for the support of the 48th District Agricultural Association.

(e) Fifteen thousand dollars ($15,000) to the Sixth District Agricultural Association, known and designated as the California Museum of Science and Industry, (1) for the purpose of holding a permanent exposition and exhibition of all citrus products and of all the industries and industrial enterprises, resources, and products of every kind and nature of the State of California, with a view toward improving, exploiting, en-

couraging, and stimulating such industries, resources, and products, and (2) for the support of the buildings, grounds, and other property of the Sixth District Agricultural Association, known and designated as the California Museum of Science and Industry. No admission fee shall be charged by or for such exposition.

SEC. 2. Section 19624 of said code is repealed.

CHAPTER 949

An act to amend Sections 5253, 5700, 7410, 8104, 8107, 8401, 8707, and 8755 of, the Financial Code, and to add Sections 5075 and 6700.1 to said code, relating to savings and loan associations.

[Approved by Governor June 15, 1963. Filed with Secretary of State June 15, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 5253 of the Financial Code is amended to read:

5253. The commissioner may issue subpoenas and require the attendance of any officer, director, agent, salesman, collector, or employee of any association, and such other witnesses as he deems necessary, in relation to the association's affairs, transactions, and condition. The commissioner may require such witnesses to appear and answer such pertinent questions as he directs, and may require such witnesses to produce any books, documents or other things under their control as are required by him.

SEC. 2. Section 5700 of the Financial Code is amended to read:

5700. An association shall not change the location, in whole or in part, of its principal office or of any branch office except with the approval of the commissioner. If the proposed change is from one city to another the commissioner shall, and in any other case the commissioner may, hold a hearing upon the proposed change. If a hearing is held the commissioner shall mail notice of such hearing to each association in this State at least 20 days before such hearing, and the association requesting the commissioner's approval shall pay him a fee of two hundred fifty dollars ($250) before such notices are mailed.

SEC. 3. Section 6700.1 is added to the Financial Code, to read:

6700.1. No association shall make or purchase any loan or make any investment authorized under Sections 6705 or 6702 (a), (b), (k), or (n) when the sum of its cash, bank accounts, and investments under Section 6702 (c), (d), (e), (f), (g), (h), (i), (j), (*l*), and (m) is less than 4 percent of the aggre-

gate sum of its outstanding investment certificates and withdrawable shares.

SEC. 4. Section 5075 is added to said code, to read:

5075. An "affiliate" means:

(a) Any person, corporation, sole proprietorship, trust, partnership or other business organization controlling, controlled by, or under common control with the association;

(b) Any officer, director, employee, or stockholder owning more than 5 percent of the outstanding guarantee stock of the association, or the immediate family of any such person;

(c) Any corporation, partnership or other business organization controlled by any of the persons referred to in (b) above.

SEC. 5. Section 7410 of the Financial Code is amended to read:

7410. The directors of any association issuing stock and not issuing installment shares may make, declare, and pay cash dividends, or with the commissioner's consent, property dividends, on the stock of as much of the surplus profits as appears advisable to the directors. Such dividends are subject to all the restrictions of this part on the declaration or payment of dividends.

SEC. 6. Section 8104 of the Financial Code is amended to read:

8104. No association shall agree in advance to pay withdrawals without requiring notice of intention to withdraw or before the maturity of a notice of intention to withdraw, nor agree in advance to pay minimum term investment certificates or minimum term shares before the expiration of the minimum term. Any agreement by an association contrary to the provisions of this section is void.

SEC. 7. Section 8107 of the Financial Code is amended to read:

8107. No valid notice of intention to withdraw may be given for minimum term investment certificates or minimum term shares during their minimum term. The holders of minimum term investment certificates or minimum term shares may not withdraw during the minimum term except at the option of the association issuing such certificates or shares.

SEC. 8. Section 8401 of the Financial Code is amended to read:

8401. Shareholders, certificate holders and borrower members are not liable to creditors nor for assessments.

SEC. 9. Section 8707 of the Financial Code is amended to read:

8707. Each association shall make a full report in writing to the commissioner annually within 30 days after the close of its fiscal year. The report shall be signed by its president or vice president and secretary or assistant secretary or treasurer

or assistant treasurer; shall contain or be verified by a written statement that it is made under the penalties of perjury; and shall show accurately the financial condition of such association at the end of the preceding fiscal year and the income and expenses of such association during such preceding fiscal year, together with such statistical and other information as the commissioner may require. The report shall be in such form and detail as the commissioner prescribes. The commissioner may require such reports for any or all associations quarterly or semiannually in lieu of annually.

SEC. 10. Section 8755 of the Financial Code is amended to read:

8755. The audit required by this article is additional to the examination of associations by the commissioner or his deputies or examiners required by Article 3 of this chapter. In lieu of the audit required by this article, or as a portion of such audit, the commissioner may accept any audit, or that portion of any audit, made exclusively by the examiners for the Federal Home Loan Bank Board, Federal Home Loan Bank or Federal Savings and Loan Insurance Corporation.

CHAPTER 950

An act to amend Section 40003 of the Vehicle Code, relating to prosecution of employees.

[Approved by Governor June 15, 1963. Filed with Secretary of State June 15, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 40003 of the Vehicle Code is amended to read:

40003. Whenever an employee is prosecuted for a violation of any provision of this code, or regulations promulgated pursuant to this code, relating to the size, weight, registration, equipment, or loading of a vehicle while operating a vehicle he was employed to operate, and which is owned by his employer, the court shall on the request of the employee take appropriate proceedings to make the owner of the vehicle a codefendant. In the event it is found that the employee had reasonable grounds to believe that the vehicle operated by him as an employee did not violate such provisions, and in the event the owner is found guilty under the provisions of Section 40001, the court may dismiss the charges against the employee.

CHAPTER 951

An act to amend Section 3128 and to repeal Section 3129 of the Education Code, and to amend Section 3254 of Division 5 of the Education Code, as proposed by Senate Bill No. 718, relating to school district organization.

[Approved by Governor June 15, 1963. Filed with Secretary of State June 15, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 3128 of the Education Code is amended to read as follows:

3128. In any proposal for unification or the formation of a junior college district recommended by an augmented county committee, the committee may include a provision for a governing board of either five (5) or seven (7) members and may include a provision for trustee areas. In establishing trustee areas each augmented county committee shall provide for representation in accordance with population and geographic factors of the entire area of the unified school district. As many trustee areas as needed, not to exceed seven (7), may be established. The augmented county committee shall designate the number of members of the governing board to be elected from among the registered voters of each trustee area so that a governing board of either five (5) or seven (7) members is provided. If the committee includes a provision for trustee areas, it shall also include a provision for the election of members of the governing board by the registered voters of the entire school district or for the election of the member or members residing in each trustee area by the registered voters of that particular trustee area.

Provisions regarding the number of trustees or trustee areas and the election of trustees by the district at large or by the registered voters of each particular trustee area shall be considered as an inherent part of the proposal and not to be construed as a separate proposition; provided that such provisions shall indicate the boundaries of the proposed trustee areas.

SEC. 2. Section 3129 of said code is repealed.

SEC. 3. Section 3254 of Division 5 of the Education Code, as proposed to be added by Senate Bill No. 718, is amended to read:

3254. In any proposal for unification or for the formation of a junior college district recommended by an augmented county committee, the augmented county committee may include a provision for a governing board of either five or seven members and may include a provision for trustee areas. In establishing trustee areas each augmented county committee shall provide for representation in accordance with population and geographic factors of the entire area of the unified school district. As many trustee areas as needed, not to exceed

seven, may be established. The augmented county committee shall designate the number of members of the governing board to be elected from among the registered voters of each trustee area so that a governing board of either five or seven members is provided. If the committee includes a provision for trustee areas, it shall also include a provision for the election of members of the governing board by the registered voters of the entire school district or for the election of the member or members residing in each trustee area by the registered voters of that particular trustee area.

Provisions regarding the number of trustees or trustee areas and the election of trustees by the district at large or by the registered voters of each particular trustee area shall be considered as an inherent part of the proposal and not to be construed as a separate proposition. A provision for trustee areas shall indicate the boundaries of the proposed trustee areas.

SEC. 4. Section 3 of this act shall become operative only if Division 5 of the Education Code as proposed by Senate Bill No. 718 is enacted by the Legislature at its 1963 Regular Session, and in such case at the same time as Senate Bill No. 718 takes effect; at which time Section 3128 of the Education Code as amended by Section 1 of this act is repealed.

CHAPTER 952

An act to amend Section 711 of the Unemployment Insurance Code, relating to nonprofit organizations.

[Approved by Governor June 15, 1963. Filed with Secretary of State June 15, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 711 of the Unemployment Insurance Code is amended to read:

711. (a) As used in this section "nonprofit organization" means any corporation, community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation, which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office and which is exempt from income tax under Section 501(a) of the Internal Revenue Code of 1954.

(b) If Congress enacts legislation exempting nonprofit organizations from the provisions of Section 3303 of the Federal Unemployment Tax Act, a nonprofit organization may, when requested by a written petition signed by a majority of its employees to be covered by the election, elect to become an employer subject to this division for not less than two calendar years with respect to all of its employees who are covered by the election, and may file its written election with the director. If the director finds that a majority of the employees to be covered by the election to become an employer have signed the petition, the nonprofit organization shall, upon the written approval of the director, become an employer subject to this division to the same extent as other employers, and services performed by its employees covered by the election, shall constitute employment subject to this division. Beginning at that time it shall withhold from the wages of employees covered by the election the contributions required for unemployment compensation disability benefits. A nonprofit organization may exclude from coverage under an election pursuant to this section any of the following service:

(1) Service performed in any calendar quarter in the employ of any such nonprofit organization exempt from federal income tax if the remuneration for such service is less than fifty dollars ($50).

(2) Service performed in the employ of a school, college, or university, if such service is performed by a student who is enrolled and is regularly attending classes at such school, college or university.

(3) Service performed as a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled and is regularly attending classes in a nurses' training school chartered or approved pursuant to state law.

(4) Service performed as an intern in the employ of a hospital by an individual who has completed a four years' course in a medical school chartered or approved pursuant to state law.

(5) Service performed by an individual as a duly ordained priest, clergyman, rabbi, rector, vicar, pastor, or minister of religion, or by a practitioner who heals the sick by prayer in the practice of religion, or by a reader whose duty it is to conduct regular religious services of a religious organization, or by a member of a religious order in the exercise of duties required by the order, or by any other individual performing service in the practice of religion by designation of the governing body of a religious organization and subject to discipline by, including removal by, such governing body.

(6) Service performed as a professor, associate professor, lecturer, graduate assistant or research assistant, teacher, instructor, vocational instructor, counselor, activities adviser,

dean of a college, dean, associate dean, laboratory technician, librarian, president, vice president, registrar or other member of the faculty or teaching or administrative staff performing similar service to these categories.

(7) Service performed in the employ of a state college auxiliary organization which is exempt under Section 501(c)(3) of the Internal Revenue Code and which is operated exclusively for charitable, scientific or educational purposes, if such service is performed by a student who is enrolled and is regularly attending classes at such state college.

(c) In lieu of the contributions required of employers except as provided by Section 714, each nonprofit organization that has elected coverage under this section may elect any one of the following:

(1) To pay into the Unemployment Fund in the State Treasury at the times and in the manner provided in subdivision (d) of this section, an amount equal to the additional cost to the Unemployment Fund of the benefits paid with respect to employment for the nonprofit organization. Benefits otherwise payable irrespective of this section shall be charged to employers' accounts in accordance with other sections of this division, but the additional cost to the Unemployment Fund of the benefits paid pursuant to this section shall be borne solely by the appropriate nonprofit organization. If benefits are based on wages paid by two or more nonprofit organizations, the benefits shall be borne by each of the nonprofit organizations in the proportion that the total wages paid to the individual in employment by each nonprofit organization bears to the total wages paid to the individual in employment by all nonprofit organizations during the base period. "Total wages paid" as used in this subdivision include taxable wages as well as wages which would be taxable except for the limitation on taxable wages provided under Section 930.

(2) To pay into the Unemployment Fund the cost of benefits paid with respect to employment for the nonprofit organization and charged to its account in accordance with Section 1026, pursuant to authorized regulations which shall prescribe the rate or amount, time, manner, and method of payment of contributions and the extent to which the reserve account elements of any nonprofit organization that has made contributions pursuant to an elective coverage agreement either under Section 702 or this section may be included in its account under this subdivision (c)(2). Sections 712, 1030, 1031, and 1032 shall not apply to an election under this subdivision (c)(2).

(3) Two or more nonprofit organizations that have elected coverage under this section may, pursuant to authorized regulations, file an application with the director for the establishment of a joint account for the purpose of determining the

rate of contributions they shall pay into the Unemployment Fund to reimburse the fund for benefits paid with respect to employment for such nonprofit organizations. The members of the joint account may elect either to share the additional cost to the Unemployment Fund of the benefits paid with respect to employment for such members, or to share the cost of benefits paid with respect to employment for such members and charged to the joint account in accordance with Section 1026. The director shall prescribe authorized regulations for the establishment, maintenance, and dissolution of joint accounts, and for the rate or amount, time, manner, and method of payment of contributions by the members of joint accounts, on an additional cost basis and on the alternative basis of the cost of benefits charged in accordance with Section 1026. Section 712 shall not apply to any joint account established pursuant to this subdivision, but the director may by authorized regulations prescribe the extent to which the reserve account elements of any nonprofit organization that has made contributions pursuant to an elective coverage agreement either under Section 702 or this section may be included in the joint account. Sections 1030, 1031, and 1032 shall not apply to any joint account established pursuant to this subdivision.

(d) In making the payments prescribed by subdivision (c)(1) of this section, and by subdivision (c)(3) of this section for a joint account on an additional cost basis, there shall be paid or credited to the Unemployment Fund, either in advance or by way of reimbursement, as may be determined by the director, such sums as he estimates the Unemployment Fund will be entitled to receive from each nonprofit organization on an additional cost basis under this section for each calendar quarter, reduced or increased by any sum by which he finds that his estimates for any prior calendar quarter were greater or less than the amounts which should have been paid to the fund. Such estimates may be made upon the basis of such statistical sampling, or other method as may be determined by the director.

Upon making such determination, the director shall certify to the nonprofit organization the amount determined with respect to it. The contributions due from the nonprofit organization shall be paid to the Unemployment Fund by the nonprofit organization.

(e) After the termination of any election under this section, nonprofit organizations shall remain liable for their proportionate share of the additional cost of benefits paid, or of the cost of benefits paid and charged to their accounts in accordance with Section 1026, which are based on wages paid for services during the period of the election.

(f) Except as inconsistent with the provisions of this section, the provisions of this division and authorized regulations shall apply to any matter arising pursuant to this section.

CHAPTER 953

An act to add Section 98.5 to the Labor Code, relating to the Division of Labor Law Enforcement.

[Approved by Governor June 15, 1963. Filed with Secretary of State June 15, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 98.5 is added to the Labor Code, to read:

98.5. In any action to recover unpaid wages, penalties, or to enforce other demands of employees for amounts not to exceed the maximum amount of a case within the jurisdiction of a small claims court as provided in Section 117 of the Code of Civil Procedure, the Labor Commissioner shall certify in writing to the judge of the small claims court that he has heard and determined the validity of such claims and demands and that the sum specified therein is the amount found due and payable. The certificate of the Labor Commissioner shall be considered by the small claims court but shall not, by itself, be sufficient evidence to support a judgment.

CHAPTER 954

An act to add Section 20801.1 to the Education Code, relating to school districts.

[Approved by Governor June 15, 1963. Filed with Secretary of State June 15, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 20801.1 is added to the Education Code, to read:

20801.1. Notwithstanding the provisions of Section 20801, a district may accumulate from year to year any unencumbered balance derived from the tax levied under Section 20801, provided that the accumulated money is ultimately expended for a purpose authorized by Sections 16551 to 16566, inclusive, or Sections 16651 to 16664, inclusive.

CHAPTER 955

An act to amend Section 70048 of the Government Code, relating to superior court reporters.

[Approved by Governor June 15, 1963. Filed with Secretary of State June 15, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 70048 of the Government Code is amended to read:

70048. In a county with a population of 1,000,000 and under 2,000,000, as determined by the 1960 federal census, regular official phonographic reporters shall be paid an annual salary of eleven thousand two hundred eighty dollars ($11,280).

Official phonographic reporters pro tempore shall be compensated at the rate of forty-two dollars ($42) a day, or any fractional part thereof.

CHAPTER 956

An act to amend Sections 73822, 73823, 73824, 73825 and 73826 of the Government Code, relating to salaries of Modesto Municipal Court attachés.

[Approved by Governor June 15, 1963. Filed with Secretary of State June 15, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 73822 of the Government Code is amended to read:

73822. There shall be one clerk who shall receive a minimum salary of five hundred thirty dollars ($530) monthly, with annual increments of twenty-six dollars ($26), twenty-eight dollars ($28), twenty-nine dollars ($29), and thirty-one dollars ($31) to a maximum of six hundred forty-four dollars ($644) monthly.

SEC. 2. Section 73823 of said code is amended to read:

73823. The clerk may appoint:

(a) One assistant clerk who shall receive a minimum salary of four hundred thirty-six dollars ($436) monthly, with annual increments of twenty-two dollars ($22), twenty-three dollars ($23), twenty-four dollars ($24), and twenty-five dollars ($25) to a maximum of five hundred thirty dollars ($530) monthly.

(b) Three deputy clerks who shall be court clerks and each of whom shall receive a minimum salary of four hundred fifteen dollars ($415) monthly, with annual increments of twenty-one dollars ($21), twenty-two dollars ($22), twenty-three dollars ($23), and twenty-four dollars ($24) to a maximum of five hundred five dollars ($505) monthly.

(c) One deputy clerk (legal) who shall receive a minimum salary of three hundred seventy-six dollars ($376) monthly, with annual increments of nineteen dollars ($19), twenty dollars ($20), twenty-one dollars ($21), and twenty-two dollars ($22) to a maximum of four hundred fifty-eight dollars ($458) monthly.

(d) Two deputy clerks each of whom shall receive a minimum salary of three hundred fifty-eight dollars ($358) monthly, with annual increments of eighteen dollars ($18), nineteen dollars ($19), twenty dollars ($20), and twenty-one dollars ($21) to a maximum of four hundred thirty-six dollars ($436) monthly.

(e) Eight deputy clerks each of whom shall receive a minimum salary of two hundred ninety-five dollars ($295) monthly, with annual increments of fifteen dollars ($15), fifteen dollars ($15), sixteen dollars ($16), and seventeen dollars ($17) to a maximum of three hundred fifty-eight dollars ($358) monthly.

Upon the effective date of this section, the incumbent officers and attachés shall each retain the same salary step in the salary range made applicable to his position by this section as he occupied under the superseded salary range For the purpose of determining the right to subsequent annual increments, however, the anniversary date shall be the date the officer or attaché was first appointed to the position in which the increment is sought.

SEC. 3. Section 73824 of said code is amended to read:

73824. There shall be one marshal who shall receive a salary of four hundred thirty-six dollars ($436) monthly, with annual increments of twenty-two dollars ($22), twenty-three dollars ($23), twenty-four dollars ($24), and twenty-five dollars ($25) to a maximum of five hundred thirty dollars ($530) monthly.

SEC. 4. Section 73825 of said code is amended to read:

73825. The marshal may appoint the following:

(a) Two deputy marshals who shall be court bailiffs, and who shall receive a minimum salary of three hundred ninety-five dollars ($395) monthly with annual increments of twenty dollars ($20), twenty-one dollars ($21) twenty-two dollars ($22), and twenty-three dollars ($23) to a maximum of four hundred eighty-one dollars ($481) monthly.

(b) One deputy marshal clerk who shall receive a minimum salary of two hundred ninety-five dollars ($295) monthly with annual increments of fifteen dollars ($15), fifteen dollars ($15), sixteen dollars ($16), and seventeen dollars ($17) to a maximum of three hundred fifty-eight dollars ($358) monthly.

(c) Two deputies who shall be custodians at the fee allowed by law for keeping property.

SEC. 5. Section 73826 of said code is amended to read:

73826. Official reporters in such municipal courts, appointed pursuant to Section 72194, shall be attachés of the court and in lieu of any other compensation provided by law for their services in reporting testimony in criminal proceed-

ings in the court, shall receive a monthly salary of six hundred thirty dollars ($630). The salary shall be a charge against the general fund of the county.

CHAPTER 957

An act to amend Section 172 of the Military and Veterans Code, relating to the Adjutant General.

[Approved by Governor June 15, 1963. Filed with Secretary of State June 15, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 172 of the Military and Veterans Code is amended to read:

172. The Adjutant General shall make a report to the Governor every fourth year, commencing in 1963, the report to include a statement of the moneys received and disbursed by him for military purposes, the number and condition of the active militia, and a history of the activities and developments of the Military Department during the preceding four years.

CHAPTER 958

An act to amend Section 13050 of the Water Code, relating to qualifications of regional water pollution control board executive officers.

[Approved by Governor June 15, 1963. Filed with Secretary of State June 15, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 13050 of the Water Code is amended to read:

13050. Each regional board shall:

(a) Establish an office.

(b) Select one of its members as chairman at the first regular meeting held each year.

(c) Appoint as its confidential employee, exempt from civil service, under Section 4(a)(5) of Article XXIV of the Constitution, and fix the salary of, an executive officer who shall meet technical qualifications as defined by the State Water Pollution Control Board. The executive officer shall serve at the pleasure of the regional board.

Notwithstanding the amendment of this subdivision at the 1963 Regular Session, any person incumbent in the position of executive officer on the effective date of such amendment shall continue to serve at the pleasure of his appointing board.

(d) Employ such other assistants as may be determined necessary to assist the executive officer.

CHAPTER 959

An act to amend Sections 5053, 5076, 5077, 5078, 5080, 5100, 5102, 5125, and 5200 of, and to add Section 5107 to, the Agricultural Code, relating to the California Beef Council.

[Approved by Governor June 15, 1963. Filed with Secretary of State June 15, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 5053 of the Agricultural Code is amended to read:

5053. "Producer" means any person engaged in the business of raising, breeding, feeding, or growing cattle or calves for dairy production or for beef production.

SEC. 2. Section 5076 of said code is amended to read:

5076. There is hereby established the California Beef Council which consists of 19 members and 19 alternates, all of whom shall be citizens and residents of this State and producers.

The director shall appoint to the council six range cattlemen, six cattle feeders, and seven dairymen nominated as producers as hereinafter provided for, giving due regard to proper geographic distribution, but this requirement shall not operate to remove from office any member of the council. As soon as feasible after the effective date of this section, as amended, the director shall classify the present members of the council and shall adopt a schedule for new appointments to the council so that, as present terms of office of members expire, the vacancies will be filled with producers in the classifications and numbers specified in this section. Subject to the provisions of this section and of Section 5077, present members of the council shall be eligible for reappointment.

SEC. 3. Section 5077 of said code is amended to read:

5077. The terms of office of the members and alternates of the council shall be three years, except as provided in this section. The first appointments made under this chapter shall be so made that the terms of six members and their alternates shall expire at the end of one year, six members and their alternates shall expire at the end of two years, and seven members and their alternates shall expire at the end of three years. The director, whenever he deems necessary, shall obtain additional nominations for membership on the council from producers.

Any vacancy occurring during the unexpired term shall be filled by the director for the unexpired term from the eligible nominees. No council member or alternate shall serve more than two consecutive three-year terms. Service as an alternate does not disqualify a person to then serve two such terms as a member, provided that a member who was appointed for a one- or two-year term may serve two additional three-year terms.

The director may remove any member of the council or alternate for cause and upon such removal there shall be a vacancy which shall be filled in the manner as provided for the unexpired term.

SEC. 4. Section 5078 of said code is amended to read:

5078. Prior to October 1 of each year, the director shall call for nominations of producers, engaged in business as such in this State. Every producer shall be entitled to nominate a nominee for membership on the council. Members and their alternates shall be appointed from the lists of those persons nominated for membership on the council. Notice of a call for nominations shall be given by the director by publishing notice thereof in a newspaper of general circulation published in the capital of the State and in such other newspaper or newspapers or by such other means as the director shall determine to be necessary to give reasonable notice of such nominations to producers in the State. Such notice shall state that nominations made by mail to the director at his office in Sacramento, setting forth the names, addresses, citizenships, and types of producers of each of the proposed nominees, and bearing the signature and address of the nominator, if received by the director, within the time designated by him, will be considered by the director.

SEC. 5. Section 5080 of said code is amended to read:

5080. The council shall have two regular meetings in each year at times and places fixed by the council. The times for regular meetings shall be fixed so that there shall be an interval of at least four calendar months between such meetings. The council may meet in special meetings at any time and place at the call of the chairman or upon the written request of five members of the council. The executive committee shall have two regular meetings each year at times and places fixed by it, and may meet in special meetings at any time and place at the call of the chairman or on call of a majority of the members of the executive committee.

SEC. 6. Section 5100 of said code is amended to read:

5100. The duties of the council shall be advisory, except as to those duties which may be delegated to it by the director, and may include the following:

(a) To recommend to the director administrative rules and regulations relating to the administration and enforcement of this chapter;

(b) To investigate all matters affecting the administration of this chapter, and to report violations thereof to the director;

(c) To employ and, at its pleasure, discharge a manager and such clerical help and other employees as it deems necessary, and to prescribe their duties and powers and fix their compensation;

(d) To contract with, or employ, and, at its pleasure, discharge such other persons as it deems necessary, and in the cases of such of them as it shall employ, to outline their powers and duties and fix their compensation;

(e) To establish offices, and incur expenses incidental thereto;

(f) To make such contracts and other agreements as may be proper to promote the sale of beef and beef products on either a local, state, national or international basis;

(g) To co-operate with any other local, state, or national commission, organization, or agency, whether voluntary or created by state or federal law, and engaged in work or activities similar to the work and activities of the council created by this chapter, and recommend to the director the making of contracts and agreements with such organizations or agencies for carrying on joint programs of education, research, publicity and advertising; provided, however, that in matters of research, the council shall co-operate with organizations of recognized professional standing which are adequately equipped with facilities for the research contemplated;

(h) To recommend to the director the institution and promotion of scientific research to develop or discover, or both, the health, food, therapeutic, dietetic, industrial, or other uses of beef and its products.

Funds may be allocated to agencies not specifically or solely engaged in carrying on research or promotion for beef, provided the council and the director are satisfied that such allocations will be beneficial to the California beef industry, and will tend to effectuate the declared purposes of this act.

The exercise of the foregoing powers of the council shall in all instances be subject to the approval of the director.

SEC. 7. Section 5102 of said code is amended to read:

5102. No program or activity conducted or sponsored under this chapter shall make false or unwarranted claims, or disparage the quality, value, use, or sale of any commodity authorized by law to be marketed in this State, nor shall any such program be conducted with reference to a private brand or trade name referring to beef or a beef product.

SEC. 8. Section 5107 is added to said code, to read:

5107. Any time after the effective date of this section, the director shall on a petition of 3,000 of the State's producers, who signed the petition not more than six months prior to its presentation to the director, conduct a referendum among producers to ascertain whether producers favor the carrying on of a mandatory promotion and research program for beef as prescribed in Section 5101. At the time any person starts to circulate such a petition he shall notify the director of such action. The period of time established by the director during which such referendum shall be conducted shall be not less than 30 days nor more than 90 days. The director shall count and tabulate the ballots received, and announce the results at the close of the referendum period. If the director finds from the ballots cast that 65 percent or more of the producers voting in such referendum favor carrying on such a promotion and research program, the director shall declare the program a mandatory promotion and research program, provided that

35 percent of all producers, as established by the directors list, have voted.

If the promotion and research program is declared to be mandatory Section 5127 shall be of no further force or effect and the purpose expressed in subdivision (c) of Section 5026 shall be to provide funds by fees rather than voluntary contributions.

If the director finds that the above required numbers of producers voting in the referendum have not voted in favor of carrying on such a mandatory promotion program, the director shall declare this result and shall instruct the council to carry on the current program.

If such a promotion and research program fails to receive the required favorable vote another referendum shall not be petitioned for until after the expiration of a period of two years from the close of the period of the referendum which failed.

SEC. 9. Section 5125 of said code is amended to read:

5125. In order to carry out the programs and administer the activities conducted pursuant to this chapter, a fee of ten cents ($0.10) per head on cattle and calves shall be charged and collected from the seller at the same time that brand inspection fees are collected as provided in Article 10 (commencing at Section 353) of Chapter 2 of Division 3 of the Agricultural Code, except that such fee shall not be charged upon the following:

(a) Hides, skins or reduction animals;

(b) Any cattle transported for purposes other than for sale or slaughter and without a change of ownership;

(c) Any animal less than three months of age;

(d) Any animal sold for milk or calf production.

Such fees shall not be charged or collected more than once from each owner upon the same animal.

It is the purpose of this section that a fee be paid for each head of cattle originating in other states and slaughtered in this State, other than those specifically excepted herein, and if not otherwise paid shall be collected from the purchaser or slaughterer.

Failure to remit fees due within 90 days of the date of inspection shall make the person for whom the inspection was made, whether or not a complaint has been filed against such person, subject to an amount not to exceed 10 percent of such unpaid assessment, or ten dollars ($10) whichever is greater, to defray the cost of enforcing the collection of such unpaid fees.

Any person who fails to remit fees due when called for by the director shall be liable civilly in an amount not to exceed the cost of the total amount of fees and the cost of the civil suit for each and every violation thereof. Civil suits and the amounts recovered thereby shall not be affected by claims of exemption made after the fee becomes due under this section.

SEC. 10. Section 5200 of said code is amended to read:

5200. The provisions of this chapter shall continue to be operative permanently except as provided in this section. A referendum among the State's producers shall be conducted by the director (a) whenever the director, on his own motion or at the request of the council, determines that it is no longer in the best interest of the State to continue the existence of the council and the programs established and maintained pursuant to the provisions of this chapter, or (b) upon the receipt by the director of a petition for such a referendum signed by 3,000 of the State's producers who signed the petition not more than six months prior to its presentation to the director. No one who holds a current exemption certificate may petition to terminate or participate in the referendum. In either such event, the director shall thereupon prepare and mail to each producer as shown in the records of the department a ballot form and self-addressed envelope.

The ballot form shall be substantially as follows:

BALLOT

CALIFORNIA BEEF COUNCIL LAW
TERMINATION OF COUNCIL AND PROGRAM

Shall the existence of the California Beef Council and the programs established and maintained under the California Beef Council Law (Chapter 18 (commencing with Section 5000) of Division 6 of the Agricultural Code) be discontinued and terminated?

YES_____ NO_____

_____
Signature of Producers

If upon the count of the ballots the director finds that 51 percent of the total number of producers voting, provided that 30 percent of all producers established by the director's list have voted, have assented to the discontinuance and termination of the council and the programs established and maintained pursuant to this chapter, the director shall make a finding to that effect and declare the existence of the council and the programs established and maintained pursuant to the provisions of this chapter discontinued and terminated at the end of the fiscal year in which the referendum is conducted.

If upon a count of the ballots the director finds that less than 51 percent of the total number of producers voting have assented to such discontinuance and termination, he shall make a finding to that effect and the council and programs established and maintained pursuant to this chapter shall continue to remain in full force and effect.

CHAPTER 960

An act to repeal Sections 10154, 10155 and 10216 of the Business and Professions Code, relating to limited real estate salesman's license.

[Approved by Governor June 15, 1963. Filed with Secretary of State June 15, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 10154 of the Business and Professions Code is repealed.

SEC. 2. Section 10155 of said code is repealed.

SEC. 3. Section 10216 of said code is repealed.

CHAPTER 961

An act to amend Sections 10206, 10223, 10326, and 10586 of, and amend and renumber Section 10222 (as added by Chapter 886 of the Statutes of 1961) of, the Business and Professions Code, relating to real estate, business opportunity, and mineral, oil and gas licensees.

[Approved by Governor June 15, 1963 Filed with Secretary of State June 15, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 10206 of the Business and Professions Code is amended to read:

10206. A renewal real estate salesman's license is a real estate license issued to a person (1) who had a renewal real estate salesman's license or a renewal broker's license unrevoked or unsuspended within the two-year period immediately preceding the date of the application for such renewal license, or (2) who had become eligible for a renewal license during the preceding two years under an original real estate salesman's license.

SEC. 2. Section 10222 (as added by Chapter 886 of the Statutes of 1961) of said code is amended and renumbered to read:

10224. The fee for attaching an endorsement as a real property securities dealer to a real estate broker's license is fifty dollars ($50).

SEC. 3. Section 10223 of said code is amended to read:

10223. The fee for filing an application for a permit required by Section 10238.3 shall be computed in accordance

with Section 26003 of the Corporations Code. The fee for filing an application for an amendment to an existing permit shall be the amount provided for in Section 26009 of the Corporations Code.

SEC. 4. Section 10326 of said code is amended to read:

10326. A renewal business opportunity salesman's license is a business opportunity license issued to a person (1) who had a renewal business opportunity salesman's license or a renewal broker's license, unrevoked or unsuspended, within the two-year period immediately preceding the date of the application for such license, or (2) who had become eligible for a renewal license, during the preceding two years, under an original business opportunity salesman's license.

SEC. 5. Section 10586 of said code is amended to read:

10586. A renewal mineral, oil and gas salesman's license is a mineral, oil and gas license issued to a person (1) who had a renewal mineral, oil and gas salesman's license or a renewal broker's license, unrevoked or unsuspended, within the two-year period immediately preceding the date of the application for such license, or (2) who had become eligible for a renewal license during the preceding two years, under an original mineral, oil and gas salesman's license.

CHAPTER 962

An act to add Section 1807 to the Streets and Highways Code, relating to city streets.

[Approved by Governor June 15, 1963. Filed with Secretary of State June 15, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 1807 is added to the Streets and Highways Code, to read:

1807. Where the boundary line between two adjacent cities is a street, and the boundary line itself is in the middle of such street, or the side of such street, the two adjacent cities, if authorized by their governing bodies, may enter into a mutual agreement for the improvement and maintenance of the street which constitutes the boundary line, and each city may, pursuant to such agreement, expend funds available to it for the improvement and maintenance of its city streets.

CHAPTER 963

An act to amend Section 72195 of the Government Code, relating to fees of official reporters of municipal courts.

[Approved by Governor June 15, 1963. Filed with Secretary of State June 15, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 72195 of the Government Code is amended to read:

72195. Government Code Sections 69942 to 69953, inclusive, and Section 273 of the Code of Civil Procedure are hereby made applicable to the qualifications, duties, official oath, certification of transcripts and fees of official reporters of municipal courts, except that the fee for reporting testimony and proceedings in contested cases, except for official reporters of municipal courts where a statute provides otherwise, is thirty-five dollars ($35) a day.

CHAPTER 964

An act to amend Sections 1811, 1812, 1813, and 1815 of the Labor Code, relating to working hours on public works.

[Approved by Governor June 15, 1963 Filed with Secretary of State June 15, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 1811 of the Labor Code is amended to read:

1811. The time of service of any workman employed upon public work is limited and restricted to 8 hours during any one calendar day, and 40 hours during any one calendar week, except as hereinafter provided for under Section 1815.

SEC. 2. Section 1812 of said code is amended to read:

1812. Every contractor and subcontractor shall keep an accurate record showing the name of and actual hours worked each calendar day and each calendar week by each workman employed by him in connection with the public work. The record shall be kept open at all reasonable hours to the inspection of the awarding body and to the Division of Labor Law Enforcement.

SEC. 3. Section 1813 of said code is amended to read:

1813. The contractor shall, as a penalty to the State or political subdivision on whose behalf the contract is made or awarded, forfeit twenty-five dollars ($25) for each workman

employed in the execution of the contract by the contractor or by any subcontractor for each calendar day during which such workman is required or permitted to work more than 8 hours in any one calendar day and 40 hours in any one calendar week in violation of the provisions of this article. In awarding any contract for public work, the awarding body shall cause to be inserted therein a stipulation to this effect. The awarding body shall take cognizance of all violations of this article committed in the course of the execution of the contract, and shall report them to the officer of the State or political subdivision who is authorized to pay the contractor money due him under the contract.

SEC. 4. Section 1815 of said code is amended to read:

1815. Notwithstanding the provisions of Sections 1810 to 1814, inclusive, of this code, and notwithstanding any stipulation inserted in any contract pursuant to the requirements of said sections, work performed by employees of contractors in excess of 8 hours per day, and 40 hours during any one week, shall be permitted upon public work upon compensation for all hours worked in excess of 8 hours per day at not less than 1½ times the basic rate of pay.

CHAPTER 965

An act to amend Section 24049 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor June 15, 1963. Filed with Secretary of State June 15, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 24049 of the Business and Professions Code is amended to read:

24049. The department may refuse to transfer any license when the applicant is delinquent in the payment of any taxes due under the Alcoholic Beverage Tax Law, the Sales and Use Tax Law, the Personal Income Tax Law, or the Bank and Corporation Tax Law, when such tax liability arises in full or in part out of the exercise of the privilege of an alcoholic beverage license, or any amount due under the Unemployment Insurance Code when such liability arises out of the conduct of a business licensed by the Department of Alcoholic Beverage Control.

CHAPTER 966

An act to add Section 402 to the Code of Civil Procedure, relating to the place of trial.

[Approved by Governor June 15, 1963. Filed with Secretary of State June 15, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 402 is added to the Code of Civil Procedure, to read:

402. The presiding judge of a municipal court district may order, for the convenience of the court, that any case pending trial be transferred to a contiguous municipal court district in the same county if all parties to the case and the presiding judge in the district to which the case is proposed to be transferred consent to such transfer. For the purpose of this section no fees shall be charged for the transfer of the case.

CHAPTER 967

An act to amend Sections 70046.1, 70055.1, 73793, 74043, 74045, 74049, 74553, 74558, 74561, 74663 and 74823 of, and to add Sections 73796, 74666 and 74826 to, the Government Code, relating to courts.

[Approved by Governor June 15, 1963. Filed with Secretary of State June 15, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 70046.1 of the Government Code is amended to read:

70046.1. In a county with a population of 290,000 or more and under 295,000, the annual salary of regular official reporters shall be ten thousand six hundred dollars ($10,600) and the compensation of official phonographic reporters pro tempore shall be at the rate of forty dollars ($40) a day, or any fractional part thereof.

During the hours which the court is open for the transaction of judicial business, official reporters shall devote full time to the performance of the duties required of them by law and shall not engage in or solicit to engage in any other employment in their professional capacity.

SEC. 2. Section 70055.1 of said code is amended to read:

70055.1. In a county with a population of 290,000 or more and under 295,000, the fee required by Section 70053 shall be nine dollars and fifty cents ($9.50).

SEC. 3. Section 73793 of said code is amended to read:

73793. The clerk may appoint:

(a) One senior deputy court clerk who shall receive a minimum salary of six hundred ten dollars ($610) monthly with

annual increments of thirty-one dollars ($31), thirty-two dollars ($32), thirty-four dollars ($34), thirty-five dollars ($35), thirty-seven dollars ($37), thirty-nine dollars ($39), and forty-one dollars ($41), to a maximum of eight hundred fifty-nine dollars ($859) monthly.

(b) One deputy court clerk, grade III, who shall receive a minimum salary of four hundred seventy-eight dollars ($478) monthly with annual increments of twenty-four dollars ($24), twenty-five dollars ($25), twenty-six dollars ($26), twenty-eight dollars ($28), twenty-nine dollars ($29), thirty-one dollars ($31), and thirty-two dollars ($32), to a maximum of six hundred seventy-three dollars ($673) monthly.

(c) Three deputy court clerks, grade II, each of whom shall receive a minimum salary of three hundred seventy-three dollars ($373) monthly with annual increments of nineteen dollars ($19), twenty dollars ($20), twenty-one dollars ($21), twenty-two dollars ($22), twenty-three dollars ($23), twenty-four dollars ($24), and twenty-five dollars ($25), to a maximum of five hundred twenty-seven dollars ($527) monthly.

(d) Three deputy court clerks, grade I, each of whom shall receive a minimum salary of three hundred twenty-two dollars ($322) monthly with annual increments of sixteen dollars ($16), seventeen dollars ($17), eighteen dollars ($18), nineteen dollars ($19), twenty dollars ($20), twenty-one dollars ($21), and twenty-two dollars ($22), to a maximum of four hundred fifty-five dollars ($455) monthly.

SEC. 4. Section 73796 is added to said code, to read:

73796. Sections 72194 and 72195 shall apply to this court except that the fee provided in Section 72195 shall be forty dollars ($40) a day. Official reporters of the municipal court appointed pursuant to Section 72194 shall receive forty dollars ($40) a day for the days they are actually on duty under order of the court.

SEC. 5. Section 74043 of said code is amended to read:

74043. The clerk may appoint:

(a) One senior deputy court clerk who shall receive a minimum salary of six hundred forty-one dollars ($641) monthly with annual increments of thirty-two dollars ($32), thirty-four dollars ($34), thirty-five dollars ($35), thirty-seven dollars ($37), thirty-nine dollars ($39), forty-one dollars ($41), and forty-three dollars ($43), to a maximum of nine hundred two dollars ($902) monthly.

(b) Six deputy court clerks, grade III, each of whom shall receive a minimum salary of four hundred seventy-eight dollars ($478) monthly with annual increments of twenty-four dollars ($24), twenty-five dollars ($25), twenty-six dollars ($26), twenty-eight dollars ($28), twenty-nine dollars ($29), thirty-one dollars ($31), and thirty-two dollars ($32), to a maximum of six hundred seventy-three dollars ($673) monthly.

(c) Eight deputy court clerks, grade II, each of whom shall receive a minimum salary of three hundred seventy-three dol-

lars ($373) monthly with annual increments of nineteen dollars ($19), twenty dollars ($20), twenty-one dollars ($21), twenty-two dollars ($22), twenty-three dollars ($23), twenty-four dollars ($24), and twenty-five dollars ($25), to a maximum of five hundred twenty-seven dollars ($527) monthly.

(d) Six deputy clerks, grade I, each of whom shall receive a minimum salary of three hundred twenty-two dollars ($322) monthly with annual increments of sixteen dollars ($16), seventeen dollars ($17), eighteen dollars ($18), nineteen dollars ($19), twenty dollars ($20), twenty-one dollars ($21), and twenty-two dollars ($22), to a maximum of four hundred fifty-five dollars ($455) monthly.

SEC. 6. Section 74045 of said code is amended to read:

74045. Official reporters in such municipal court, appointed pursuant to Section 72194 shall be attachés of such court, and in lieu of any other compensation provided by law for their services in reporting testimony and proceedings in such court, shall receive a salary of ten thousand six hundred dollars ($10,600) a year, which shall be a charge against the general fund of the county. During the hours which the court is open for the transaction of judicial business, official reporters shall devote full time to the performance of the duties required of them by law and shall not engage in or solicit to engage in any other employment in their professional capacity.

SEC. 7. Section 74049 of said code is amended to read:

74049. In any civil action or proceeding where the principal amount of the prayer of the complaint, exclusive of interest, exemplary damages, attorneys' fees and costs, exceeds three hundred dollars ($300), in addition to a fee or fees required by Sections 72054 to 72073, inclusive, a fee of nine dollars and fifty cents ($9.50) shall be paid to the clerk of the municipal court, by each party, or jointly by parties appearing jointly, once only in any such action or proceeding in the following instances:

(a) Upon the filing of a complaint or complaint in intervention where the principal amount of the prayer of the complaint, exclusive of interest, exemplary damages, attorneys' fees and costs, exceeds three hundred dollars ($300).

(b) Upon the filing of an answer where the principal amount of the prayer of the complaint being answered, exclusive of interest, exemplary damages, attorneys' fees and costs, exceeds three hundred dollars ($300).

(c) Upon the filing of papers transmitted from another court on the transfer of a civil action or special proceeding where the principal amount of the prayer of the complaint, exclusive of interest, exemplary damages, attorneys' fees and costs, exceeds three hundred dollars ($300).

SEC. 8. Section 74553 of said code is amended to read:

74553. The clerk may appoint:

(a) One chief deputy court clerk who shall receive a minimum salary of seven hundred seven dollars ($707) monthly

with annual increments of thirty-five dollars ($35), thirty-seven dollars ($37), thirty-nine dollars ($39), forty-one dollars ($41), forty-three dollars ($43), forty-five dollars ($45), and forty-seven dollars ($47), to a maximum of nine hundred ninety-four dollars ($994) monthly.

(b) Three deputy court clerks, grade IV, each of whom shall receive a minimum salary of five hundred two dollars ($502) monthly with annual increments of twenty-five dollars ($25), twenty-six dollars ($26), twenty-eight dollars ($28), twenty-nine dollars ($29), thirty-one dollars ($31), thirty-two dollars ($32), and thirty-four dollars ($34), to a maximum of seven hundred seven dollars ($707) monthly.

(c) Thirteen deputy court clerks, grade III, each of whom shall receive a minimum salary of four hundred seventy-eight dollars ($478) monthly with annual increments of twenty-four dollars ($24), twenty-five dollars ($25), twenty-six dollars ($26), twenty-eight dollars ($28), twenty-nine dollars ($29), thirty-one dollars ($31), and thirty-two dollars ($32), to a maximum of six hundred seventy-three dollars ($673) monthly.

(d) Twenty deputy court clerks, grade II, each of whom shall receive a minimum salary of three hundred seventy-three dollars ($373) monthly with annual increments of nineteen dollars ($19), twenty dollars ($20), twenty-one dollars ($21), twenty-two dollars ($22), twenty-three dollars ($23), twenty-four dollars ($24), and twenty-five dollars ($25), to a maximum of five hundred twenty-seven dollars ($527) monthly.

(e) Eleven deputy court clerks, grade I, each of whom shall receive a minimum salary of three hundred twenty-two dollars ($322) monthly with annual increments of sixteen dollars ($16), seventeen dollars ($17), eighteen dollars ($18), nineteen dollars ($19), twenty dollars ($20), twenty-one dollars ($21), and twenty-two dollars ($22), to a maximum of four hundred fifty-five dollars ($455) monthly.

A night shift is a tour of duty which commences after 2 p.m. and prior to 6 a.m. Attachés who are required to work a night shift shall be paid one step more than the amount to which they are otherwise entitled.

SEC. 9. Section 74558 of said code is amended to read:

74558. In any civil action or proceeding where the principal amount of the prayer of the complaint, exclusive of interest, exemplary damages, attorneys' fees and costs, exceeds three hundred dollars ($300), in addition to a fee or fees required by Sections 72054 to 72073, inclusive, a fee of nine dollars and fifty cents ($9.50) shall be paid to the clerk of the municipal court, by each party, or jointly by parties appearing jointly, once only in any such action or proceeding in the following instances:

(a) Upon the filing of a complaint or complaint in intervention where the principal amount of the prayer of the com-

plaint, exclusive of interest, exemplary damages, attorneys' fees and costs, exceeds three hundred dollars ($300).

(b) Upon the filing of an answer where the principal amount of the prayer of the complaint being answered, exclusive of interest, exemplary damages, attorneys' fees and costs, exceeds three hundred dollars ($300).

(c) Upon the filing of papers transmitted from another court on the transfer of a civil action or special proceeding where the principal amount of the prayer of the complaint, exclusive of interest, exemplary damages, attorneys' fees and costs, exceeds three hundred dollars ($300).

SEC. 10. Section 74561 of said code is amended to read:

74561. Official reporters in such municipal court, appointed pursuant to Section 72194 shall be attachés of such court, and in lieu of any other compensation provided by law for their services in reporting testimony and proceedings in such court, shall receive a salary of ten thousand six hundred dollars ($10,600) a year, which shall be a charge against the general fund of the county. During the hours which the court is open for transaction of judicial business, official reporters shall devote full time to the performance of the duties required of them by law and shall not engage in or solicit to engage in any other employment in their professional capacity.

SEC. 11. Section 74663 of said code is amended to read:

74663. The clerk may appoint:

(a) One senior deputy court clerk who shall receive a minimum salary of six hundred ten dollars ($610) monthly with annual increments of thirty-one dollars ($31), thirty-two dollars ($32), thirty-four dollars ($34), thirty-five dollars ($35), thirty-seven dollars ($37), thirty-nine dollars ($39), and forty-one dollars ($41) to a maximum of eight hundred fifty-nine dollars ($859) monthly.

(b) Three deputy court clerks, grade III, who shall receive a minimum salary of four hundred seventy-eight dollars ($478) monthly with annual increments of twenty-four dollars ($24), twenty-five dollars ($25), twenty-six dollars ($26), twenty-eight dollars ($28), twenty-nine dollars ($29), thirty-one dollars ($31), and thirty-two dollars ($32), to a maximum of six hundred seventy-three dollars ($673) monthly.

(c) Six deputy court clerks, grade II, each of whom shall receive a minimum salary of three hundred seventy-three dollars ($373) monthly with annual increments of nineteen dollars ($19), twenty dollars ($20), twenty-one dollars ($21), twenty-two dollars ($22), twenty-three dollars ($23), twenty-four dollars ($24), and twenty-five dollars ($25), to a maximum of five hundred twenty-seven dollars ($527) monthly.

(d) Three deputy court clerks, grade I, each of whom shall receive a minimum salary of three hundred twenty-two dollars ($322) monthly with annual increments of sixteen dollars

($16), seventeen dollars ($17), eighteen dollars ($18), nineteen dollars ($19), twenty dollars ($20), twenty-one dollars ($21), and twenty-two dollars ($22), to a maximum of four hundred fifty-five dollars ($455) monthly.

SEC. 12. Section 74666 is added to said code, to read:

74666. Sections 72194 and 72195 shall apply to this court except that the fee provided in Section 72195 shall be forty dollars ($40) a day. Official reporters of the municipal court appointed pursuant to Section 72194 shall receive forty dollars ($40) a day for the days they are actually on duty under order of the court.

SEC. 13. Section 74823 of said code is amended to read:

74823. The clerk may appoint:

(a) One senior deputy court clerk who shall receive a minimum salary of six hundred ten dollars ($610) monthly with annual increments of thirty-one dollars ($31), thirty-two dollars ($32), thirty-four dollars ($34), thirty-five dollars ($35), thirty-seven dollars ($37), thirty-nine dollars ($39), and forty-one dollars ($41), to a maximum of eight hundred fifty-nine dollars ($859) monthly.

(b) Three deputy court clerks, grade III, who shall receive a minimum salary of four hundred seventy-eight dollars ($478) monthly with annual increments of twenty-four dollars ($24), twenty-five dollars ($25), twenty-six dollars ($26), twenty-eight dollars ($28), twenty-nine dollars ($29), thirty-one dollars ($31), and thirty-two dollars ($32), to a maximum of six hundred seventy-three dollars ($673) monthly.

(c) Six deputy court clerks, grade II, each of whom shall receive a minimum salary of three hundred seventy-three dollars ($373) monthly with annual increments of nineteen dollars ($19), twenty dollars ($20), twenty-one dollars ($21), twenty-two dollars ($22), twenty-three dollars ($23), twenty-four dollars ($24), and twenty-five dollars ($25), to a maximum of five hundred twenty-seven dollars ($527) monthly.

(d) Three deputy court clerks, grade I, each of whom shall receive a minimum salary of three hundred twenty-two dollars ($322) monthly with annual increments of sixteen dollars ($16), seventeen dollars ($17), eighteen dollars ($18), nineteen dollars ($19), twenty dollars ($20), twenty-one dollars ($21), and twenty-two dollars ($22), to a maximum of four hundred fifty-five dollars ($455) monthly.

SEC. 14. Section 74826 is added to said code, to read:

74826. Sections 72194 and 72195 shall apply to this court except that the fee provided in Section 72195 shall be forty dollars ($40) a day. Official reporters of the municipal court appointed pursuant to Section 72194 shall receive forty dollars ($40) a day for the days they are actually on duty under order of the court.

CHAPTER 968

An act to amend Sections 4001 and 4008 of the Elections Code, relating to municipal elections.

[Approved by Governor June 15, 1963 Filed with Secretary of State June 15, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 4001 of the Elections Code is amended to read:

4001. Any proposed ordinance may be submitted to the legislative body of the city by a petition filed with the clerk of the legislative body after being signed by not less than the number of voters specified in this article. The petition may consist of separate sections and each section may consist of several sheets stapled together. The first page of each section shall contain the title of the petition and the text of the measure. In order to be acceptable for filing the petition must on its face purport to have appended to it signatures of voters in the required number. Each signer shall add to his signature the date of his signing and his place of residence, giving street and number. If no street and number exists, then a designation of the place of residence shall be given which will enable the location to be readily ascertained. The petition, when filed, shall have designated in it the name or number of the respective precinct in which each of the signers resides.

SEC. 2. Section 4008 of said code is amended to read:

4008. Each separate section shall have attached an affidavit made by a voter of the city. The affidavit shall state that the affiant circulated that particular section, saw written the signatures appended to it, that he resides at _____, and that according to the best information and belief of the affiant:

(a) Each is the genuine signature of the person whose name it purports to be.

(b) The signer is a voter of the city.

CHAPTER 969

An act to amend Section 317 of the Elections Code, relating to the change of a voter's house number or mailing address.

[Approved by Governor June 15, 1963 Filed with Secretary of State June 15, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 317 of the Elections Code is amended to read:

317. Whenever the house number or the mailing address of a voter has been changed and the voter's residence is the

same, the public agency authorizing the change shall notify the county clerk in writing of the change and the county clerk shall make the change on the voter's affidavit of registration and a new affidavit shall not be required.

CHAPTER 970

An act to amend Sections 72604, 72709, 72710 and 72712 of the Government Code, relating to court reporters in municipal courts in Los Angeles County.

[Approved by Governor June 15, 1963. Filed with Secretary of State June 15, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 72604 of the Government Code is amended to read:

72604. Notwithstanding the provisions of Section 274c of the Code of Civil Procedure and Sections 69947 to 69953, inclusive, of the Government Code, or any other provision of law in conflict herewith, in each municipal court in counties having a population of 2,000,000 inhabitants, or over, as determined by the 1950 federal census, except in municipal court districts where a statute provides otherwise, the official reporter and official reporters pro tempore shall receive for their services a fee of forty-five dollars ($45) per day. All other fees of such reporters for transcription shall be as provided in Sections 69947 to 69953 of the Government Code.

SEC. 2. Section 72709 of said code is amended to read:

72709. Each official reporter in the municipal court appointed pursuant to Section 72194 shall be an attaché of the court. In lieu of any other compensation provided by law for his services in reporting testimony and proceedings in the court, each official reporter shall receive a monthly salary at the rate specified in step E of Schedule 49 of the salary schedule set forth in Section 72705. The salaries of official court reporters shall be paid from the reporters' salary fund.

SEC. 3. Section 72710 of said code is amended to read:

72710. The judges of the court may appoint as many additional reporters as the business of the court requires, who shall be known as official reporters pro tempore. They shall serve without salary, but shall receive the fees provided by Sections 69947 to 69953, inclusive, except that in lieu of the per diem fees provided in those sections for reporting testimony and proceedings, the official reporters pro tempore shall in all cases receive the sum of forty-five dollars ($45) per day, which upon order of the court shall be paid from the reporters' salary fund.

SEC. 4. Section 72712 of said code is amended to read:

72712. There shall be set aside from the revenue of the court a revolving fund in the amount of forty thousand dollars ($40,000). The fund shall be known as the reporters' salary fund.

At the time of each monthly distribution of the revenue of the court to the cities within the judicial district and to the county within which the court is established, the clerk of the court shall deduct proportionately from their respective total shares such sum as will, when added to the sum then remaining in the fund, equal forty thousand dollars ($40,000), and deposit it in the fund.

Deductions from the county's share of the revenue shall be made from that portion of it distributable to the salary fund of the county, and deductions from each city's share shall be made from that portion of it distributable to the general fund of each city.

For the purposes of this section the "revenue" of the court includes all fines, forfeitures, and fees accruing to the cities or the county, except law library fees.

CHAPTER 971

An act to amend Section 10012 of the Elections Code, relating to sample ballots.

[Approved by Governor June 15, 1963. Filed with Secretary of State June 15, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 10012 of the Elections Code is amended to read:

10012. Each county clerk or, in case of separate city elections, the clerk or secretary of the legislative body of the city, for each election other than a direct primary or a presidential primary, shall cause to be printed, on plain white paper or tinted paper, without watermark, at least as many copies of the form of ballot provided for use in each voting precinct as there are voters in the precinct. These copies shall be designated "sample ballot" upon their face. The county clerk or clerk or secretary shall commence to mail one sample ballot, postage prepaid, to each voter not more than 40 nor less than 15 days before the day fixed by law for the election. The mailing of the sample ballots shall be completed at least 10 whole days before the election.

For any general election the number of sample ballots printed shall not exceed the total registration by more than 15 percent. The county clerk, or clerk or secretary shall also enclose in the envelope with each of the ballots a card stating

the location of the precinct polling place of each voter or, in lieu of a card, the county clerk, in any county except a city and county in which voting machines are used, may cause that information to be printed on the left-hand side of the face of the envelope. Only official matter shall be sent in the envelope.

CHAPTER 972

An act to amend Section 7026 of the Business and Professions Code, relating to contractors.

[A.B. 1813 having remained with the Governor 10 days (Sundays excepted), and the Legislature being in session, it became law without his signature. (See Section 9516, Government Code.) Filed with Secretary of State June 17, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 7026 of the Business and Professions Code is amended to read:

7026. The term contractor for the purposes of this chapter is synonymous with the term "builder" and, within the meaning of this chapter, a contractor is any person, who undertakes to or offers to undertake to or purports to have the capacity to undertake to or submits a bid to, or does himself or by or through others, construct, alter, repair, add to, subtract from, improve, move, wreck or demolish any building, highway, road, parking facility, railroad, excavation or other structure, project, development or improvement, or to do any part thereof, including the erection of scaffolding or other structures or works in connection therewith. The term contractor includes subcontractor and specialty contractor.

CHAPTER 973

An act to amend Section 1276 of the Education Code, and to amend Section 1146 of Division 4 of the Education Code as added by Senate Bill No. 718 of the 1963 Regular Session, relating to the public school system.

[Approved by Governor June 15, 1963. Filed with Secretary of State June 17, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 1276 of the Education Code is amended to read:

1276. Any registered voter of the district, except the governing board member whose recall is sought, may become a candidate for election at a recall election in the manner pro-

vided in Sections 935 to 974, inclusive, except that declarations of candidacy shall be filed with the county superintendent of schools not less than twenty-five (25) days prior to the election.

SEC. 2. Section 1146 of Division 4 of said code as added by Senate Bill No. 718 of the 1963 Regular Session is amended to read:

1146. Any registered voter of the district, except the governing board member whose recall is sought, may become a candidate for election at a recall election in the manner provided by Article 2 of this chapter except that the declaration of candidacy and nominations by sponsors shall be filed with the county superintendent of schools not less than twenty-five (25) days prior to the election. The nomination by sponsors or the declaration of candidacy, shall, in addition to the requirements of Article 2, state that the proposed candidate is a candidate in the recall election to succeed the incumbent (naming him) if he is recalled.

CHAPTER 974

An act to amend Section 1074 of the Streets and Highways Code, relating to work on county highways.

[Approved by Governor June 15, 1963. Filed with Secretary of State June 17, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 1074 of the Streets and Highways Code is amended to read:

1074. Whenever the board finds that the estimated expense of any work to be done upon any county highway is three thousand dollars ($3,000) or less, or, in counties containing a population of 400,000 or over, is ten thousand dollars ($10,000) or less, the board may let a contract covering both work and material, or purchase the material and let a contract for doing the work, or purchase the materials and do the work by day labor, without calling for bids.

CHAPTER 975

An act to add Sections 73562, 73563, 73563.1, 74222, 74223 and 74223.1 to, and to repeal Sections 73562, 73563, 74222 and 74223 of the Government Code, relating to municipal court clerks and deputies.

[Approved by Governor June 15, 1963. Filed with Secretary of State June 17, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 73562 of the Government Code is repealed.

SEC. 2. Section 73562 is added to said code, to read:

73562. There shall be one clerk who shall receive a monthly salary at the rate specified in range 33 of the salary schedule provided in Section 73563.1.

SEC. 3. Section 73563 of said code is repealed.

SEC. 4. Section 73563 is added to said code, to read:

73563. The clerk may appoint:

One deputy clerk grade III who shall receive a monthly salary at the rate specified in range 26 of the salary schedule provided in Section 73563.1.

Five deputy clerks grade II who shall receive a monthly salary at the rate specified in range 23 of the salary schedule provided in Section 73563.1.

Nine deputy clerks grade I who shall receive a monthly salary at the rate specified in range 20 of the salary schedule provided in Section 73563.1.

SEC. 5. Section 73563.1 is added to said code, to read:

73563.1. Whenever reference to a numbered salary range is made in any section of this article, the following schedule of monthly salaries shall apply:

Range number	Step 1	Step 2	Step 3	Step 4	Step 5
20	$308	$325	$342	$361	$380
21	325	342	361	380	401
22	342	361	380	401	423
23	361	380	401	423	446
24	380	401	423	446	470
25	401	423	446	470	496
26	423	446	470	496	523
27	446	470	496	523	552
28	470	496	523	552	583
29	496	523	552	583	615
30	523	552	583	615	649
31	552	583	615	649	685
32	583	615	649	685	723
33	615	649	685	723	763
34	649	685	723	763	806
35	685	723	763	806	851

Unless otherwise specifically provided, each person appointed to a position, the compensation of which is fixed by reference to the salary schedule set forth in this article, shall, for the first 12 months of service, receive the rate of monthly compensation specified in the first step of the salary range for the position to which he is appointed. On and after the first day of the pay period following each ensuing 12 months of such service such compensation shall be increased upon approval of the appointing authority to the rate specified in the next higher step of the salary range for the position occupied until such compensation equals the sum specified in step 5 of such range.

SEC. 6. Section 74222 of said code is repealed.

SEC. 7. Section 74222 is added to said code, to read:

74222. There shall be one clerk who shall receive a monthly salary at the rate specified in range 33 of the salary schedule provided in Section 74223.1.

SEC. 8. Section 74223 of said code is repealed.

SEC. 9. Section 74223 is added to said code, to read:

74223. The clerk may appoint:

One deputy clerk grade III who shall receive a monthly salary at the rate specified in range 26 of the salary schedule provided in Section 74223.1.

Five deputy clerks grade II who shall receive a monthly salary at the rate specified in range 23 of the salary schedule provided in Section 74223.1.

Eight deputy clerks grade I who shall receive a monthly salary at the rate specified in range 20 of the salary schedule provided in Section 74223.1.

SEC. 10. Section 74223.1 is added to said code, to read:

74223.1. Whenever reference to numbered salary range is made in any section of this article, the following schedule of monthly salaries shall apply:

Range number	Step 1	Step 2	Step 3	Step 4	Step 5
20	$308	$325	$342	$361	$380
21	325	342	361	380	401
22	342	361	380	401	423
23	361	380	401	423	446
24	380	401	423	446	470
25	401	423	446	470	496
26	423	446	470	496	523
27	446	470	496	523	552
28	470	496	523	552	583
29	496	523	552	583	615
30	523	552	583	615	649
31	552	583	615	649	685
32	583	615	649	685	723
33	615	649	685	723	763
34	649	685	723	763	806
35	685	723	763	806	851

Unless otherwise specifically provided, each person appointed to a position, the compensation of which is fixed by reference to the salary schedule set forth in this article, shall for the first 12 months of service, receive the rate of monthly compensation specified in the first step of the salary range for the position to which he is appointed. On and after the first day of the pay period following each ensuing 12 months of such service such compensation shall be increased upon approval of the appointing authority to the rate specified in the next higher step of the salary range for the position occupied until such compensation equals the sum specified in step 5 of such range.

CHAPTER 976

An act to amend Sections 34050 and 34323 of the Government Code, relating to elections in cities.

[Approved by Governor June 15, 1963. Filed with Secretary of State June 17, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 34050 of the Government Code is amended to read:

34050. Elections in cities organized pursuant to Division 2, or its predecessors, shall be held pursuant to the provisions of the Elections Code concerning municipal elections, except as otherwise specifically provided.

SEC. 2. Section 34323 of said code is amended to read:

34323. Elections shall be conducted and officers nominated pursuant to the provisions of the Elections Code concerning municipal elections.

CHAPTER 977

An act to amend Sections 1 and 2 of, and to repeal Sections 3 and 4 of, Chapter 299 of the Statutes of 1867-68, relating to the cession of certain tidelands and submerged lands to the Town of Crescent City.

[Approved by Governor June 17, 1963 Filed with Secretary of State June 18, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 1 of the act cited in the title hereof is amended to read:

Section 1. The State of California hereby grants to the City of Crescent City, in the County of Del Norte, the property described as follows:

Beginning at a point where the southerly prolongation of the East City Limit Line of the City of Crescent City inter-

sects a line which is 3200.0 feet southeasterly, at right angles, from and parallel to the City Base Line on the center line of Second Street in said City; thence Southwesterly along said parallel line to the center line of the main Breakwater in Crescent City Harbor; thence Northwesterly along the center line of said Breakwater and the centerline of "A" Street to the Southeasterly line of Front Street in said City; thence Northeasterly and Easterly along the Southeasterly line of Front Street and the Southerly line of Highway U.S. 101 to the East City Limit Line; thence South along said East City Limit and its Southerly prolongation to the point of beginning.

The land hereinabove described is to be forever held by said city and by its successors in trust for the use and purposes, and upon the express conditions following, to wit:

(a) That said lands shall be used by said city and its successors for purposes in which there is a general statewide interest as follows:

(1) For the establishment, improvement and conduct of a harbor, and for the construction, reconstruction, repair, maintenance, and operation of wharves, docks, piers, slips, quays, and all other works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of commerce and navigation; and for public recreation purposes, and for the establishment, improvement and conduct of utilities, facilities, structures, buildings, works and appliances necessary or convenient for the promotion and accommodation of public recreation.

(b) Said city, or its successors shall not, at any time, grant, convey, give or alienate said lands, or any part thereof, to any individual, firm or corporation for any purposes whatever; provided, that said city, or its successors, may grant franchises thereon for limited periods, not exceeding 66 years, for wharves and other public uses and purposes, and may lease said lands, or any part thereof, for limited periods, not exceeding 66 years, for purposes consistent with the trusts upon which said lands are held by the State of California, and with the requirements of commerce and navigation, and collect and retain rents and other revenues from such leases, franchises and privileges. Such lease or leases, franchises and privileges may be for any and all purposes which shall not interfere with commerce and navigation. Nothing contained in this paragraph (b) shall be deemed to affect the validity or term of any franchise granted by said city under the Franchise Act of 1937, and any such franchise shall be effective with respect to said lands.

(c) Said lands shall be improved without expense to the State; provided, however, that nothing contained in this act shall preclude expenditures for the development of said lands for any public purpose not inconsistent with commerce, navigation and fishery, by the State, or any board, agency or commission thereof, when authorized or approved by the city, nor

by the city of any funds received for such purpose from the State or any board, agency or commission thereof.

(d) In the management, conduct, operation and control of said lands or any improvements, betterments, or structures thereon, the city or its successors shall make no discrimination in rates, tolls or charges for any use or service in connection therewith.

(e) The State of California shall have the right to use without charge any transportation, landing or storage improvements, betterments or structures constructed upon said lands for any vessel or other watercraft, aircraft, or railroad owned or operated by the State of California.

(f) There is hereby reserved to the people of the State of California the right to fish in the waters on said lands with the right of convenient access to said water over said lands for said purpose.

(g) There is hereby excepted and reserved in the State of California all deposits of minerals, including oil and gas, in said lands, and to the State of California, or persons authorized by the State of California, the right to prospect for, mine, and remove such deposits from said lands.

(h) Said lands are granted subject to the express reservation and condition that the State may at any time in the future use said lands or any portion thereof for highway purposes without compensation to the city, its successors or assigns or any person, firm or public or private corporation claiming under it, except that in the event improvements, betterments or structures have been placed upon the property taken by the State for said purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements, betterments or structures taken or the damages to such interest.

(i) The State Lands Commission shall, at the cost of the city, survey and monument the granted lands and record a description and plat thereof in the office of the County Recorder of Del Norte County.

(j) If the lands, or any part thereof, granted to the city by this act are not used for the purposes authorized by the amendment of this section made at the 1963 Regular Session of the Legislature within 10 years from the effective date of said amendment, or if such use is discontinued thereafter, the right, title, and interest of the city in and to said lands shall cease and said lands shall revert and rest in the State.

SEC. 2. Section 2 of said act is amended to read:

Sec. 2. The said waterfront and overflowed lands herein granted shall not be subject to execution upon any judgment against said city.

SEC. 3. Section 3 of said act is repealed.

SEC. 4. Section 4 of said act is repealed.

CHAPTER 978

An act to amend Section 6852 of the Public Resources Code, relating to leasing for oil and gas.

[Approved by Governor June 17, 1963. Filed with Secretary of State June 18, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 6852 of the Public Resources Code is amended to read:

6852. Whenever it appears to the commission that it is for the best interests of the State to lease such lands for the production of oil or gas therefrom, the commission shall then offer such lands for lease.

CHAPTER 979

An act to amend Section 5091 of the Penal Code, relating to prison production.

[Approved by Governor June 17, 1963. Filed with Secretary of State June 18, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 5091 of the Penal Code is amended to read:

5091. The Correctional Industries Commission shall:

(a) Recommend productive industrial and agricultural enterprises in the prisons and institutions under the jurisdiction of the Department of Corrections in such volume and of such kinds as to eliminate unnecessary idleness among the inmates and to provide diversified work activities which will serve as means of vocational education as well as of occupation and financial support.

(b) Determine the advisability and suitability of establishing, expanding, diminishing, or discontinuing any industrial or agricultural enterprise involving a gross annual production of more than twenty-five thousand dollars ($25,000) value, but less than three hundred fifty thousand dollars ($350,000) value and authorize or prohibit such action. The Correctional Industries Commission shall determine the gross annual production, within the limit set above, of each new enterprise at the time of its establishment. The annual production so set shall not be increased until a public hearing concerning the proposed increase has been held before the Correctional Industries Commission. It shall be the duty of the commission annually, to adjust the maximum gross annual production value of three hundred fifty thousand dollars ($350,000) permitted for each enterprise, the purpose of such adjustment being to keep said limit in balance with changes in population

of state correctional institutions and changes in cost of production. Such adjustment shall be made in the following manner:

1. The maximum limitation of three hundred fifty thousand dollars ($350,000) shall serve as a base figure as of December 31, 1954, for such computation.

2. The maximum limitation shall be increased or decreased in the same proportion as the population of state correctional institutions shall have increased or decreased in comparison with their population on December 31, 1954.

3. The maximum limitation shall be further increased or decreased in the same proportion as the Wholesale Price Index of the United States Bureau of Labor Statistics shall have increased or decreased in comparison with such wholesale price index as of December 1954.

The maximum gross annual limitation on production as adjusted in accordance with the above formula shall replace and serve in lieu of the three hundred fifty thousand dollars ($350,000) limitation until the next annual adjustment is made by the commission. It shall apply to enterprises previously authorized as well as to those authorized during the current period, and such adjustment may be made without public hearing.

"Population of state correctional institutions," as used in this subsection, is the total number of persons in institutions subject to the jurisdiction of the Department of Corrections under Section 5003 of the Penal Code and the number of persons in institutions subject to the jurisdiction of the Youth Authority under Section 1000 of the Welfare and Institutions Code.

(c) Hold hearings pursuant to Section 5092, and make rules for the conducting of such hearings. However, the commission may, in its discretion, hold public hearings on any subject within its jurisdiction.

CHAPTER 980

An act to amend Section 12608 of the Business and Professions Code, relating to containers.

[Approved by Governor June 17, 1963. Filed with Secretary of State June 18, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 12608 of the Business and Professions Code is amended to read:

12608. The statement designating the quantity of the commodity shall be expressed in the terms of weight, measure, numerical count, or combination of numerical count and weight or measure, which are generally used by consumers to express

quantity of such commodity and shall give accurate information as to the quantity thereof. If no general consumer usage exists which expresses accurate information as to the quantity of such commodity, the statement shall be in terms of liquid measure if the commodity is liquid, or in terms of weight if the commodity is solid. The quantity of viscous or semisolid commodities, or of a mixture of solids and liquids, may be stated in terms of weight or measure or both. When commodities are packed in brine or other nonedible preserving fluids, the weight or measure of the brine or nonedible fluid shall not be included in the weight or measure of the edible or other commodity indicated on the container. The content declaration for commodities packed in aerosol-type containers shall be in terms of net weight.

CHAPTER 981

An act to amend Section 2690 of the Penal Code, relating to removal of inmates from prison.

[Approved by Governor June 17, 1963. Filed with Secretary of State June 18, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 2690 of the Penal Code is amended to read:

2690. The Director of Corrections may authorize the temporary removal under custody from prison or any other institution for the detention of adults under the jurisdiction of the Department of Corrections of any inmate, for the purpose of employing said person in any work directly connected with the administration, management, or maintenance of the prison or institution in which he is confined, or of furnishing to the person medical treatment not available at the prison or institution, or for purposes of co-operating voluntarily in medical research which cannot be performed at the prison or institution, or for the purpose of arranging parole placement programs at any time within 90 days of scheduled parole release at the request of the Adult Authority governing male prisoners and at the request of the Board of Trustees, California Institution for Women, governing female prisoners.

Except in the case of removal for medical treatment, such removal shall not be for a period longer than one day.

CHAPTER 982

An act to amend Section 188.3 of the Streets and Highways Code, relating to the State Highway Fund.

[Approved by Governor June 17, 1963. Filed with Secretary of State June 18, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 188.3 of the Streets and Highways Code is amended to read:

188.3. Notwithstanding Section 186, the cost of maintenance of all landscaping and functional planting on state highways by the department and the cost of maintenance of all toll bridges under the jurisdiction of the California Toll Bridge Authority shall be paid out of money in the State Highway Fund available for the construction of state highways, prior to the allocation of money between county groups under Section 188, provided that expenditures for the maintenance of landscaping and functional planting shall be limited to seven million five hundred thousand dollars ($7,500,000) annually.

CHAPTER 983

An act to amend Sections 31203, 31206, 31214.1, 31214.2 and 31214.3 of the Education Code, relating to the State Competitive Scholarship Program.

[Approved by Governor June 17, 1963 Filed with Secretary of State June 18, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 31203 of the Education Code is amended to read:

31203. No person shall be awarded a scholarship unless:

(a) He is a resident of California as determined under the provisions of this code for determining the resident status of a student of a state college for the purposes of state college admission fees and rates of tuition. Wherever such provisions refer to the trustees the reference shall, for the purposes of this section, be deemed to be to the State Scholarship Commission, any reference to "the opening day of a semester during which a person proposes to attend a state college" shall be deemed to be the day upon which a person will receive a scholarship as determined by the State Scholarship Commission, and any reference to "immediately prior to first entering any California institution of higher learning" shall be deemed to be immediately prior to the day upon which a person will receive a scholarship as determined by the State Scholarship Commission.

(b) He has not attained his 24th birthday. This age limitation does not apply in the case of renewed scholarship awards.

(c) He has graduated from high school or has been accepted for admission by an accredited college.

(d) He has demonstrated his financial need for such scholarship. The financial status of his parents shall be taken into consideration in determining his financial need.

(e) He has demonstrated high moral character, good citizenship, and dedication to American ideals.

(f) He has applied for a state competitive scholarship and has, by competitive examination, been determined to be eligible for such scholarship.

(g) He has complied with all of the rules and regulations adopted by the State Scholarship Commission for the award, regulation, and administration of state competitive scholarships adopted pursuant to this chapter (commencing at Section 31201).

(h) He is a citizen of the United States or, if he is under 21 years of age and is not a citizen of the United States either he or his parent or parents were admitted to the United States on a permanent resident visa.

SEC. 2. Section 31206 of said code is amended to read:

31206. A scholarship award winner may use his scholarship at any one of the institutions of collegiate grade located in California if such institution offers a two-year junior college or four-year college course and is accredited by the Western Association of Schools and Colleges. Nothing contained in this chapter (commencing at Section 31201) shall be interpreted to require any such institution to admit into such institution, or once admitted to continue in such institution, an award winner.

SEC. 2.5. Section 31214.1 of said code is amended to read:

31214.1. Notwithstanding the provisions of Section 31214, the award may be granted and renewed during the first four years of full-time college attendance following first admission to college, as defined by the State Scholarship Commission.

SEC. 3. Section 31214.2 of said code is amended to read:

31214.2. In any instance where the State Scholarship Commission shall deem necessary, a competitive scholarship may be granted for a single semester or quarter or for two quarters of an academic year, and the award payment therefor shall be prorated accordingly. In any event a scholarship is vacated by virtue of the award winner withdrawing from college, and the State Scholarship Commission may award the scholarship to another fully qualified student who has met all the requirements for a scholarship.

SEC. 4. Section 31214.3 of said code is amended to read:

31214.3. An individual who is awarded a competitive scholarship and enrolls in a public junior college may elect to have the scholarship held in trust for him for a period not to exceed two years and three months, or until the student has obtained 64 transferable units, if these units are obtained within three

years. The State Scholarship Commission shall, in such case, hold the scholarship in trust, to be granted to the award winner upon receipt of his request therefor within such period, provided that at the time of making the request he meets all of the requirements of this chapter (commencing at Section 31201). Upon receipt of the request the State Scholarship Commission shall assess or reassess the financial needs of the award winner. The State Scholarship Commission may prescribe the forms and procedures to be utilized for the purposes of this section. The State Scholarship Commission may award to another eligible individual any scholarship being so held in trust, subject to the provisions of this section and any other conditions and restrictions that may be imposed by the commission, to the end that all authorized scholarships are being continually utilized. Following the first year for which any such scholarship is awarded, awards thereof shall be included in the number of the continuing scholarships available for any year and not the authorized new scholarships for the year.

CHAPTER 984

An act to amend Section 328 of the Probate Code, relating to notice of probate proceedings.

[Approved by Governor June 17, 1963. Filed with Secretary of State June 18, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 328 of the Probate Code is amended to read:

328. At least 10 days before the hearing, copies of the notice must be personally served upon the heirs of the testator and the devisees and legatees named in the will and all persons named as executors who are not petitioning, or mailed, postage prepaid, from a post office within this State, addressed to them at their respective places of residence, if known to the petitioner, if not, at the county seat of the county where the proceedings are pending.

Whenever the instrument offered for probate involves or may involve a testamentary trust of property for charitable purposes other than a charitable trust with a designated trustee, resident in this State, notice of the hearing on the petition for probate accompanied by a copy of the petition and the will, must be personally served upon the Attorney General or mailed, postage prepaid, from a post office within this State, addressed to him at the office of the Attorney General at Sacramento, California.

As used in this section "post office" includes mailbox, subpost office, substation and mail chute or other like facility regularly maintained by the government of the United States.

CHAPTER 985

An act to amend Sections 25505 and 25505.2 of the Education Code, relating to nonresident fees of junior colleges.

[Approved by Governor June 17, 1963. Filed with Secretary of State June 18, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 25505 of the Education Code is amended to read:

The governing board of any district maintaining a junior college may admit nonresident students. The attendance of nonresident students shall be computed in the same manner as prescribed by this code for resident students.

As used in this section "nonresident student" shall have the same meaning as is given the phrase by provisions of this code prescribing fees for attendance at state colleges, except that a person who has lived in the State less than one year and whose parent or guardian is living in the State at the time of the person's registration at the junior college may at the option of the governing board be deemed to be a resident student. When such provisions refer to the trustees the reference shall for the purpose of this section be deemed to be to the governing board of the district and, except in subdivision (a) and (b) of Section 23759, when such provisions refer to a state college the reference shall be deemed to be to the junior college.

SEC. 2. Section 25505.5 of said code is amended to read:

25505.5. The governing board of any district maintaining a junior college shall charge a nonresident fee to those students attending the junior college, who qualify as nonresident students under the provisions of Section 25505, except that in lieu of charging the students, the governing board may contract with another state or with an appropriate agency of another state, for the payment of the fee of the students in attendance from such state. Students attending the junior college, who are citizens of a foreign country, military personnel or the dependents of military personnel may be subject to the payment of a nonresident fee as determined by the governing board of the district in an amount not to exceed the total nonresident fee set by the State Board of Education. The determination that students attending junior college who are military personnel or the dependents of military personnel may be subject to the payment of a nonresident fee shall be made with respect to all such students, and shall not be made on an individual basis and the fee, if any, shall be the same amount for all such students; the determination that students attending junior college who are citizens of a foreign country may be subject

to the payment of a nonresident fee shall be made with respect to all such students, and shall not be made on an individual basis and the fee, if any, shall be the same amount for all such students; except that a different uniform fee may be charged such students who are residents of a foreign country or who are military personnel or the dependents of military personnel and who are attending on less than a full-time basis as fixed by the State Board of Education in accordance with the provisions of this section set forth below. The governing board of the district maintaining a junior college may exempt students who enroll for six units or less from the payment of a nonresident fee.

The fee which shall be uniform throughout the State except for foreign students, military personnel, or the dependents of military personnel and which shall be paid in two equal installments at the beginning of each semester, shall be set by the State Board of Education not later than January first of each year.

The fee established by the State Board of Education shall represent the amount per student enrolled in junior colleges in all the districts of the State, which is expended by all the district from district tax funds for the costs of instruction as defined by the California School Accounting Manual for pupils enrolled in grades 13 and 14.

The amount per pupil enrolled shall be derived by dividing the costs of instruction expended from district funds during the preceding year by the quotient of the average daily attendance during the same year in grades 13 and 14 of all districts maintaining junior colleges in the State divided by 1.2. The same fee shall be charged irrespective of the type of class in which the student is enrolled.

The State Board of Education shall also adopt a per-unit tuition fee for nonresident students attending junior colleges on less than a full-time basis. Such a fee per unit shall be derived by dividing the fee determined by the State Board of Education for full-time students by 30 (units). The same per-unit rate shall be charged of all nonresident students, attending any summer sessions maintained by the junior college.

Each district maintaining a junior college shall report annually to the State Department of Education on the number of nonresident students enrolled in each of the following categories: (1) nonresident students who are residents of foreign countries, (2) nonresident students who are military personnel or the dependents of military personnel, and (3) other nonresident students. The report shall set forth the above information separately for part-time nonresident students and for full-time nonresident students in each of the three categories. The report shall show the total amount of money received for each category and the total received for all nonresident students.

The provisions of this section which require a mandatory fee for nonresident students shall not apply to any college in which during the school year 1962-63 more than 25 percent of the students enrolled were residents of another state; except that the provisions of this section shall apply to such colleges beginning with the school year 1970-71 and except that the provisions of this section which require annual reports to be filed with the State Department of Education on the number of nonresident students enrolled shall apply to such colleges in the same manner as to any junior college.

CHAPTER 986

An act to amend Section 10825 of the Fish and Game Code, relating to game refuges.

[Approved by Governor June 17, 1963. Filed with Secretary of State June 18, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 10825 of the Fish and Game Code is amended to read:

10825. The following constitutes Fish and Game District 11: All that area within the County of Placer within the following boundaries:

Beginning at a point in Sec. 17, T. 14 N., R. 14 E., M.D.M., where the French House-Big Meadows Road intersects the South Fork of Long Canyon Creek; thence following southwesterly along said road to French House Site (near the center of Sec. 22); thence northeasterly along the French House French Meadows Road and thence northwesterly along the French Meadows-Mosquito Ridge Road to the point where said road intersects the summit of Red Star Ridge in Sec. 26, T. 15 N., R. 13 E. (this being the divide between Duncan Creek and the Middle Fork of the American River); thence northeasterly following the summit of Red Star Ridge to the new Westville-French Meadows Highway; thence northeasterly along said highway to a point in Sec. 4, T. 15 N., R. 14 E., where said highway leaves the main divide between the North Fork of the American River and the Middle Fork of the American River; thence easterly along the summit of said main divide to Needle Peak; thence southerly following the summit of the Divide to Mt. Mildred; thence following the summit of the divide between Gray Horse Creek and the Middle Fork of the American River to its intersection with the Big Meadows-Gray Horse Valley Trail; thence following said trail to the South Fork of Long Canyon Creek; thence westerly down Long Canyon Creek to the point of beginning.

CHAPTER 987

An act to add Section 25373 to the Government Code, relating to places of historical interest.

[Approved by Governor June 17, 1963. Filed with Secretary of State June 18, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 25373 is added to the Government Code, to read:

25373. The board of supervisors may acquire property for the preservation or development of a historical landmark. It may also acquire property for the development of recreational purposes and facilities in connection therewith.

The board may, by ordinance, provide special conditions or regulations for the protection, enhancement, perpetuation, or use of places, sites, buildings, structures, works of art and other objects having a special character or special historical or aesthetic interest or value. Such special conditions and regulations may include appropriate and reasonable control of the appearance of neighboring private property within public view.

CHAPTER 988

An act to amend Section 2191.4 of the Revenue and Taxation Code, relating to liens for delinquent taxes.

[Approved by Governor June 17, 1963. Filed with Secretary of State June 18, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 2191.4 of the Revenue and Taxation Code is amended to read:

2191.4. From the time of filing the certificate for record pursuant to Section 2191.3, the amount required to be paid together with interest and penalty constitutes a lien upon all personal and real property in the county owned by the taxpayer or acquired by him before the lien expires, except that the lien as to personal property shall not be valid against a purchaser for value or encumbrancer without actual knowledge of the lien when he acquires his interest in the property. The lien has the force, effect, and priority of a judgment lien and continues for three years from the time of the recording of the certificate unless sooner released or otherwise discharged.

Within three years from the date of the recording of the certificate or within three years from the date of the last extension of the lien, the lien may be extended by filing for record a new certificate in the office of the county recorder and from the time of such filing the lien shall be extended to all personal and real property in the county owned by the taxpayer for three years unless sooner released or otherwise discharged.

CHAPTER 989

An act to amend Section 4986 of the Revenue and Taxation Code, relating to property taxes.

[Approved by Governor June 17, 1963. Filed with Secretary of State June 18, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 4986 of the Revenue and Taxation Code is amended to read:

4986. (1) All or any portion of any uncollected tax, penalty, or costs, heretofore or hereafter levied, may, on satisfactory proof, be canceled by the auditor on order of the board of supervisors with the written consent of the district attorney if it was levied or charged:

(a) More than once.

(b) Erroneously or illegally.

(c) On a portion of an assessment in excess of the cash value of the property by reason of the assessor's clerical error.

(d) On improvements when the improvements did not exist on the lien date.

(e) On property annexed after the lien date by the city owning it.

(f) On property acquired prior to September 18, 1959, by the United States of America, the State or by any county, city, school district or other political subdivision and which, because of such public ownership, became not subject to sale for delinquent taxes.

(2) (a) On property acquired after the lien date by the United States of America, if such property upon such acquisition becomes exempt from taxation under the laws of the United States, or by the State or by any county, city, school district or other public agency, and because of such public ownership becomes not subject to sale for delinquent taxes, no cancellation shall be made in respect of all or any portion of any such unpaid tax, or penalties or costs, but such tax, together with such penalties and costs as may have accrued thereon while on the secured roll, shall be transferred to the unsecured roll pursuant to Section 2921.5 of this code, and collection thereof shall be made and had as provided therein, except that the statute of limitations on any suit brought to collect such taxes and penalties shall commence to run from the date of transfer of such taxes, penalties and costs to the unsecured roll, which date shall be entered on the unsecured roll by the auditor opposite the name of the assessee at the time such transfer is made. The foregoing toll of the statute of limitations shall apply retroactively to all such unpaid taxes and penalties so transferred, the delinquent dates of

which are prior to the effective date of the amendment of this section at the 1959 Regular Session.

If any property described in this subdivision is acquired by a negotiated purchase and sale after the lien date but prior to the commencement of the fiscal year for which current taxes are a lien on the property, the amount of such current taxes shall not be transferred to the unsecured roll, and neither the person from whom the property was acquired nor the public agency shall be liable for the payment of such taxes. If, however, the property is so acquired after the commencement of the fiscal year for which the current taxes are a lien on the property, that portion only of such current taxes, together with any allocable penalties and costs thereon, which are properly allocable to that part of the fiscal year which ends on the day before the date of acquisition of the property, shall be transferred to the unsecured roll and be collectible from the person from whom the property was acquired. The portion of such taxes, together with any penalties and costs thereon, which are allocable to that part of the fiscal year which begins on the date of the acquisition of the property, shall not be transferred to the unsecured roll nor be collectible either from the person from whom the property was acquired nor from the public agency.

In no event shall any transfer of unpaid taxes, penalties or costs be made with respect to property which has been tax-deeded to the State for delinquency.

(b) If at the time exemption from sale attaches to land or improvements acquired by a public agency the purchase price thereof is deposited in the registry of a court in an eminent domain proceeding, all delinquent taxes, penalties and costs which were or are a lien against such land or improvements and the pro rata share of the current taxes, penalties and costs which are a lien against such land or improvements, prorated for the fiscal year for which such current taxes, penalties and costs are or will be due and payable, shall be paid out of the award. The date for such proration shall be at the time title was transferred to, or possession was taken by, the public agency, whichever time the court determines to have first occurred. If the amount of the current tax is not ascertainable at the time the proration is made the same shall be estimated and computed by the court based upon the last equalized assessed value of the property in its entirety regardless of any segregation which may occur by reason of the taking, and the tax rate levied on the property for the immediate prior year. The court shall further order canceled the public agency's portion of any prorated current tax. The subject of the amount of the taxes which may be due on the property shall not be considered relevant on any issue in the condemnation action, and the mention of said subject, either on the voir dire exam-

ination of jurors, or during the examination of witnesses, or as a part of the court's instructions to the jury, or in argument of counsel, or otherwise, shall constitute grounds for a mistrial in any such action.

No cancellation under paragraph (b) of subdivision (1) of this section shall be made in respect of all or any portion of any tax, or penalties or costs attached thereto, collectible by county officers on behalf of a municipal corporation without the written consent of the city attorney thereof.

CHAPTER 990

An act to amend Sections 6504, 6506, 6507, 6508, and 55631 of the Government Code, relating to agreements between public agencies for the performance of services.

[Approved by Governor June 17, 1963. Filed with Secretary of State June 18, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 6504 of the Government Code is amended to read:

6504. The parties to the agreement may provide that (a) contributions from the treasuries may be made for the purpose set forth in the agreement, (b) payments of public funds may be made to defray the cost of such purpose, (c) advances of public funds may be made for the purpose set forth in the agreement, such advances to be repaid as provided in said agreement, or (d) personnel, equipment or property of one or more of the parties to the agreement may be used in lieu of other contributions or advances. The funds may be paid to and disbursed by the agency or entity agreed upon.

SEC. 2. Section 6506 of said code is amended to read:

6506. The agency or entity provided by the agreement to administer or execute the agreement may be one or more of the parties to the agreement or a commission or board constituted pursuant to the agreement or a person, firm or corporation designated in the agreement. One or more of the parties may agree to provide all or a portion of the services to the other parties in the manner provided in the agreement. The parties may provide for the mutual exchange of services without payment of any consideration other than such services.

SEC. 3. Section 6507 of said code is amended to read:

6507. For the purposes of this article, the agency is a public entity separate from the parties to the agreement.

SEC. 4. Section 6508 of said code is amended to read:

6508. The agency shall possess the common power specified in the agreement and may exercise it in the manner or accord-

ing to the method provided in the agreement. If the agency is not one or more of the parties to the agreement but is a public entity, commission or board constituted pursuant to the agreement and such agency is authorized, in its own name, to do any or all of the following: to make and enter contracts, or to employ agents and employees, or to acquire, construct, manage, maintain or operate any buildings, works or improvements, or to acquire, hold or dispose of property or to incur debts, liabilities or obligations which do not constitute the debt, liability or obligation of any of the parties to the agreement, said agency shall have the power to sue and be sued in its own name.

SEC. 5. Section 55631 of said code is amended to read:

55631. As used in this article, "local agency" means neighboring city, county, county fire or police protection district, federal government or any federal department or agency.

CHAPTER 991

An act to amend Section 7113.5 of the Business and Professions Code, relating to contractors.

[Approved by Governor June 17, 1963. Filed with Secretary of State June 18, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 7113.5 of the Business and Professions Code is amended to read:

7113.5. The avoidance or settlement by a licensee for less than their full amount of the lawful obligations of such licensee incurred as a contractor, whether by (a) adjudication in bankruptcy, (b) composition, arrangement, or reorganization with creditors under federal or state law, (c) composition, arrangement, or reorganization with creditors under any agreement or understanding, (d) receivership as provided in Chapter 5 (commencing at Section 564) of Title 7 of Part 2 of the Code of Civil Procedure, (e) the making of an assignment for the benefit of creditors as provided in Title 3 (commencing at Section 3449) of Part 2 of Division 4 of the Civil Code, (f) common law assignment for the benefit of creditors, (g) trusteeship, or (h) dissolution constitutes a cause for disciplinary action.

This section shall not apply to an individual settlement of the obligation of a licensee by such licensee with a creditor which is not a part of or in connection with a settlement with other creditors of such licensee.

CHAPTER 992

An act to add Article 7 (commencing with Section 218) to Chapter 1 of Division 1 of the Streets and Highways Code, relating to safety roadside rests.

[Approved by Governor June 19, 1963. Filed with Secretary of State June 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Article 7 (commencing with Section 218) is added to Chapter 1 of Division 1 of the Streets and Highways Code, to read:

Article 7. Safety Roadside Rests

218. The commission and the department shall plan, design and construct a system of safety roadside rests in nonurban areas on the state highway system outside of units of the state park system, and the cost thereof shall be payable from the State Highway Fund. The department shall maintain such safety roadside rests and the costs thereof shall be payable from the State Highway Fund, provided that the expenditures made for such maintenance shall not be deemed expenditures under Section 186.

219. In planning such system of safety roadside rests, the department is directed to generally follow these criteria:

(a) Safety roadside rests should be provided so that, in combination with other stopping facilities, there shall be facilities available at intervals of approximately one-half hours normal driving time.

(b) On highway entrances to large metropolitan areas, safety roadside rests may be provided for inbound traffic for use primarily as stopping areas for map study.

(c) On high-volume highways consisting of four or more lanes, safety roadside rests should be provided on both sides of the highways; on all other highways only single safety roadside rests should be provided.

(d) Notwithstanding the provisions of subdivision (a), on high-volume highways more safety roadside rests may be planned at strategic locations where they appear to be necessary or desirable.

220. In designing safety roadside rests, the department shall design only those safety roadside rests which are reasonably economical and which will provide the motorist a place where he may stop for a short time during daytime hours. The Legislature recognizes that the size of such safety roadside

rests, together with the facilities therein, will differ according to location and potential use. Such safety roadside rests may contain, among other things, depending upon the size and use thereof, parking places for cars and trucks, picnic tables, sanitary facilities, water, landscaping, and tourist information panels. Such safety roadside rests shall not contain camping or recreational facilities.

221. Existing roadside rests adjacent to state highways and under the jurisdiction of the Division of Beaches and Parks, other than those located in units of the state park system, are hereby transferred to the department without cost to the department, and the department shall maintain such rests in the manner set forth in Section 218. These rests shall, upon such transfer, be known and designated as safety roadside rests.

222. The department may accept grants on behalf of the State and may accept financial or other assistance for, or in aid of, safety roadside rests.

223. The department may contract with other governmental agencies or private organizations or individuals for the maintenance of all or any of such safety roadside rests where it deems it necessary or desirable.

224. It shall be unlawful for any person to throw or deposit any substance in a safety roadside rest other than in a receptacle provided for that purpose. It shall be unlawful for any person to deposit in the receptacles provided for refuse in a safety roadside rest any refuse or waste from homes, farms, or commercial establishments, or other material which does not arise out of the use of the safety roadside rest by a member of the traveling public. The violation of this section shall be a misdemeanor punishable as provided in Section 42002 of the Vehicle Code, and all of the provisions of Chapter 2 (commencing at Section 40300) of Division 17 of the Vehicle Code shall apply to an offense committed under this section the same as if such offense were made an offense by the Vehicle Code.

225. The department may enact rules and regulations governing the time and manner of use of such safety roadside rests and all state laws and such rules and regulations of the department shall be administered and enforced within the safety roadside rests by all employees of the State authorized by the department to do so and by all peace officers.

226. Areas comprising such safety roadside rests shall be deemed a part of the state highway right-of-way for all purposes, including those set forth in Section 731.

CHAPTER 993

An act to amend Sections 6700 and 7255 of the Financial Code, relating to savings and loan associations.

[Approved by Governor June 19, 1963. Filed with Secretary of State June 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 6700 of the Financial Code is amended to read:

6700. No association shall make, purchase or hold any investments or loans except investments or loans authorized by this division. If the commissioner determines that any association has made any investment or loan that is not authorized by this division other than a loan found, upon the commissioner's appraisal of the loan security, to exceed the amount for which it might lawfully be made, he may require such association to dispose of the investment or loan or to establish a specific reserve not to exceed the book value of the investment or the unpaid balance of the loan.

SEC. 2. Section 7255 of said code is amended to read:

7255. The commissioner may require each association to establish and maintain a specific loss reserve for the amount by which the book value of any asset exceeds the commissioner's appraisal of such asset, for the amount by which the unpaid balance of any loan exceeds the amount for which such loan might lawfully be made based upon the commissioner's appraisal of the security for such loan or in an amount by which the aggregate unpaid balances of a group of loans exceeds the aggregate amount for which such loans might lawfully be made based upon the commissioner's appraisal of the security for such loans. In determining the values of the securities for a group of loans, the commissioner may use his appraisal of each security or his estimate of the total value of such securities based upon his appraisal of a reasonable sample thereof. If any association contests the validity of the estimate based upon a sample, it may have an appraisal under Section 7252 of all the group from which the sample was drawn.

CHAPTER 994

An act to amend Section 35784 of the Vehicle Code, relating to special vehicle permits.

[Approved by Governor June 19, 1963. Filed with Secretary of State June 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 35784 of the Vehicle Code is amended to read:

35784. It is a misdemeanor for any person to violate any of the terms or conditions of any such special permit, except

that in an incorporated city where compliance with the route described in the permit would result in a violation of local traffic regulations the permittee may detour from the prescribed route to avoid such violation provided that the permittee returns as soon as possible to the prescribed route. A detour under this section shall be made on only nonresidential streets.

CHAPTER 995

An act to amend Sections 34 and 193 of the Embarcadero Municipal Improvement District Act (Chapter 81 of the Statutes of the 1960 First Extraordinary Session) and Sections 28, 34, and 193 of, and to add Section 79a to, the Estero Municipal Improvement District Act (Chapter 82 of the Statutes of the 1960 First Extraordinary Session) relating to municipal improvement districts.

[Approved by Governor June 19, 1963. Filed with Secretary of State June 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 34 of the Embarcadero Municipal Improvement District Act (Chapter 81 of the Statutes of the 1960 First Extraordinary Session) is amended to read:

Sec. 34. The board shall act only by ordinance, resolution, motion or contract.

SEC. 2. Section 193 of said act is amended to read:

Sec. 193. If the board appoints a depositary, it shall appoint a person who shall be known as finance officer, who shall serve at its pleasure. It shall fix the amount of his compensation. It shall fix the amount of and approve his bond which in no event may be less than two hundred fifty thousand dollars ($250,000).

SEC. 3. Section 28 of the Estero Municipal Improvement District Act (Chapter 82 of the Statutes of the 1960 First Extraordinary Session) is amended to read:

Sec. 28. Two directors shall be owners, or officers or legal representatives of owners and shall be nominated and elected or appointed in accordance with Article 4. Commencing in the year 1964 and each four years thereafter one of the expiring terms of director shall be filled by a public member designated and appointed by the county board of supervisors.

SEC. 4. Section 34 of said act is amended to read:

Sec. 34. The board shall act only by ordinance, resolution, motion or contract.

SEC. 5. Section 79a is added to said act, to read:

79a. The district may acquire or construct conduits and other underground gas, telephone and electrical facilities required under any rules and regulations adopted by any public utility pursuant to the rules, regulations and orders of the

Public Utilities Commission, and may sell such facilities in the manner provided by Article 9 (commencing at Section 50550), Chapter 2, Part 1, Division 1, Title 5 of the Government Code; and bridges, culverts, underpasses and viaducts.

SEC. 6. Section 193 of said act is amended to read:

Sec. 193. If the board appoints a depositary, it shall appoint a person who shall be known as finance officer, who shall serve at its pleasure. It shall fix the amount of his compensation. It shall fix the amount of and approve his bond which in no event may be less than two hundred fifty thousand dollars ($250,000).

CHAPTER 996

An act to add Sections 17200.8, 17213.1, and 17421 to, and to amend Sections 17209, 17209.1 and 17209.2 of, the Financial Code, relating to escrow agents.

[Approved by Governor June 19, 1963. Filed with Secretary of State June 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 17200.8 is added to the Financial Code, to read:

17200.8. Within the organization of each escrow agent corporation, either as an owner, officer, or employee, there shall be one or more persons possessing a minimum of five years of responsible escrow experience. At least one such qualified person shall be stationed on duty at each business location licensed by this division during the time the location is open for business.

SEC. 2. Section 17213.1 is added to said code, to read:

17213.1. An escrow agent's business shall not be removed from the premises or address shown on the actual license without the prior approval of the commissioner, and notice of any intended change shall be transmitted to the commissioner as soon as the circumstances become known to the licensee. In any instance where a licensed business location is to be moved a distance of two or more miles the commissioner may, in his discretion, apply the provisions of Sections 17209, 17209.1, 17209.2, and 17209.3, and may require the payment of such fee or fees as are applicable under Section 17207.

SEC. 3. Section 17421 is added to said code, to read:

17421. Notwithstanding the provisions of Section 17420, a disbursal, other than for a fee, commission or compensation may be advanced or paid out prior to the close of an escrow if the written instructions of all parties to the transaction so provide.

SEC. 4. Section 17209 of said code is amended to read:

17209. An application for an original license as an escrow agent shall be signed and verified by an authorized officer of

the applicant, and said application shall be accompanied by a copy of the articles of incorporation and a copy of the bylaws of the proposed licensee. The application shall set forth:

(a) The names and addresses of the incorporators, directors, and officers, with a statement of their character, experience, and general fitness to engage in the escrow business.

(b) An itemized statement of the estimated receipts and expenditures of the proposed first year of operation.

(c) An audited financial statement showing compliance with Section 17210.

(d) A showing that the public convenience and advantage will be promoted by the establishment of the proposed licensee.

(e) The name and address of the person, or persons, meeting the requirements of Section 17200.8, and a statement supporting such persons' qualifications.

(f) Any other matters the commissioner may require.

SEC. 5. Section 17209.1 of said code is amended to read:

17209.1. Upon the receipt of a proper application for license, and all required fees, the commissioner shall immediately examine and investigate all facts connected with the proposal, including but not limited to its stockholders, directors, officers and managers, proposed location, estimated receipts and expenditures, and whether or not the public convenience and advantage will be promoted by the granting of such license. Unless he finds that such license must be refused pursuant to this division, the commissioner shall, within forty-five (45) days of his receipt of the application, give written notice to each existing licensed escrow agent in this State that an application for the issuance of a license has been made. His notice shall state the name of the proposed licensee, the names and addresses of the proposed directors and owners, the proposed business location, and any other information which is, in his opinion, germane to the proposal. The name and address of the proposed person or persons meeting the requirements of Section 17200.8 shall be held confidential until the license has been granted.

SEC. 6. Section 17209.2 of said code is amended to read:

17209.2. Before issuing a license for any original escrow agent application, or any original branch office location for an existing licensee, the commissioner shall allow a period of not less than fifteen (15) days to elapse between the time of giving the notice required under Section 17209.1 and his actual approval or issuance of license. The commissioner may or may not require an applicant to submit to an appropriate hearing. If a hearing is held the commissioner shall, on or before 10 days prior to the hearing, mail notice thereof to the applicant and to each licensed escrow agent in this State. At such hearing any interested person may show cause either in favor of, or opposed to, the application.

CHAPTER 997

An act to add Section 27309 to the Vehicle Code, relating to motor vehicle equipment.

[Approved by Governor June 19, 1963. Filed with Secretary of State June 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 27309 is added to the Vehicle Code, to read:

27309. On and after January 1, 1964, no person shall sell or offer for sale any new passenger vehicle, other than a motorcycle, which is not equipped with at least two safety belts or safety belt-shoulder harness combinations of a type approved by the department which are installed for the use of persons in the front seat of the vehicle.

This section only applies to a retail sale of, or an offer to sell at retail, a new passenger vehicle.

CHAPTER 998

An act to add Division 1.5 (commencing with Section 160) to the Labor Code, relating to automation and technological developments, creating the California Commission on Manpower, Automation and Technology, prescribing its powers and duties.

[Approved by Governor June 19, 1963. Filed with Secretary of State June 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Division 1.5 (commencing with Section 160) is added to the Labor Code, to read:

DIVISION 1.5. CALIFORNIA COMMISSION ON MANPOWER, AUTOMATION AND TECHNOLOGY

160. The Legislature hereby finds and declares that experience has shown that automation and other forms of rapid technological change can cause industrial displacement and unemployment which seriously depresses the morale and productive capacity of the work force of the State; that many of those displaced or not hired because of such developments find that there is no longer a market, or a very limited market, for their skills; that such developments generate demands for new and different skills and capabilities from those possessed by the work force; that current and prospective manpower surpluses and shortages generated by rapid technological change should be identified and appropriate steps be taken to plan

for their amelioration; that advance knowledge of impending changes in work processes and their consequent manpower requirements be secured as a basis for the planning of corrective measures; that the effectiveness of public and private training and educational resources should be reappraised continuously to evaluate their capacity to produce the skills needed in a changing technology; that the steps being taken by labor and management to adjust to these changes should be identified and made known; and that it is in the interest of the State of California that such appraisals of the impact of automation and technological development on the skills required in the work force and the job opportunities available to them be made and continuously reappraised, and that the information and knowledge so gained be made available to labor, to management, and to public agencies as a basis for the planning of programs and actions to develop the skills of our work force for a changing technology, to deal more effectively with the problems of unemployment and to further the economic growth and development of the State and the well-being of its people.

161. The California Commission on Manpower, Automation and Technology is hereby created.

162. The commission shall consist of 4 Members of the Senate appointed by the Senate Committee on Rules, 4 Members of the Assembly appointed by the Speaker, 15 members appointed by the Governor, and 6 ex officio members. In appointing the 15 members appointed by the Governor, the Governor shall appoint 6 who represent management, 6 who represent labor, and 3 who represent the general public. Of the six who represent management, one shall be from the agricultural industry. The ex officio members are the Commissioner of the Economic Development Agency and the directors of the following state departments: Agriculture, Industrial Relations, Employment, Education, and Social Welfare.

163. The Members of the Legislature appointed to the commission shall serve at the pleasure of the appointing power and shall participate in the activities of the commission to the extent that such participation is not incompatible with their respective positions as Members of the Legislature. For the purposes of this division, the Members of the Legislature appointed to the commission shall constitute a joint legislative investigating committee on the subject of this division and as such shall have all powers and duties conferred and imposed upon such committees by the Joint Rules of the Senate and Assembly.

164. Each member of the commission, appointed by the Governor, shall hold office for a term of four years and until the appointment and qualification of his successor.

165. Vacancies shall be filled by the appointing power. Vacancies in the terms of members appointed by the Governor shall be filled for the remainder of the unexpired term.

166. The members of the commission shall serve without compensation but shall be reimbursed in accordance with law for any actual and necessary expenses incurred in connection with the performance of their duties.

167. The Governor shall designate one of the members of the commission as the chairman of the commission. The chairman of the commission shall have the powers conferred upon heads of state departments by Section 11181 of the Government Code.

168. The commission shall meet on the call of the chairman and at such other times as the commission may, by rule, determine.

169. The commission may employ and fix the compensation, in accordance with law, of an executive secretary and such clerical assistants as may be necessary.

170. The commission may make recommendations to any department, board, agency, or officer of the state government for the purpose of implementing the studies of the commission.

171. Every department, board, agency, officer and employee of the state government shall give and furnish to the commission upon its request such information, records and documents, including information, records, and documents required by law to be kept confidential, as the commission deems necessary or proper for the achievement of purposes of this division. If the commission obtains confidential information, records, or documents, pursuant to this section, the commission shall treat such information, records, and documents as confidential and shall not reveal nor make them available for public inspection in any manner so as to disclose information concerning an individual company or concern.

The State Department of Industrial Relations, Employment, and Education shall assign staff, conduct studies, make surveys and perform similar functions within the structure of the respective departments for the purposes of this division as requested by the commission, and subject to the direction of the commission.

The commission may utilize personnel of the government of the United States to the extent permissible by law.

172. The commission shall:

(a) Study the introduction of modern production and distribution techniques in California to determine the impact of automated processes and other technological advancements on employment opportunities, the skill requirements of industry, business, and government, the displacement of employees, and the obsolescence of skills among members of the labor force.

(b) Study and analyze the processes of adjustment to automation and other technological advancements in the State's economy.

(c) Study and analyze surveys of current public and private programs in the field of job training, retraining, and skill developments generally to evaluate their effectiveness in providing employable skills in reference to both the changing

composition of the State's labor force and the changing skill requirements of industry.

(d) Recommend co-ordinated surveys in the various labor markets of the State to project as best possible the basic skill requirements of industry, business, and government sufficiently in advance of need, and in the approximate quantity needed, to the end that such projections shall provide a body of usable information for the development of sound job training, retraining, and skill development programs by labor and management and responsible government agencies. Such surveys shall consider, but shall not necessarily be limited to the consideration of, the skills presently available to industry, business, and government, the present skill requirements of industry and the future skill requirements of industry.

(e) Encourage labor and management to undertake jointly similar surveys and projections within their respective industries and occupations to maintain a high level of private initiative in meeting the skill development requirements of both employees and employers.

172.5. The following members of the commission representing the designated fields may be constituted by the Governor as the State Manpower Advisory Committee:

Public: The three members representing the general public.

Labor: Three of the members representing labor.

Management: Three of the members representing management.

Agriculture: The State Director of Agriculture.

Education: The State Superintendent of Public Instruction.

Training: The State Director of Employment and the State Director of Industrial Relations.

The chairman of the commission shall be a member of and serve as chairman of the committee.

The committee shall co-operate with and assist the National Manpower Advisory Committee as established by the United States Manpower Development and Training Act of 1962.

173. The commission, with the approval of the Director of Finance, may accept grants of funds from the government of the United States, from any department or agency of the State of California, or from any person or private agency.

174. The information received from any group, firm, or individual in response to the commission's request shall be for the confidential information of the commission insofar as it relates to planning, manning, personnel, union membership and related matters. Except as otherwise provided by law, the records of the commission shall be open to inspection by the public during regular office hours. All meetings of the commission shall be open and public.

175. The commission may enter agreements and contract with the United States or any agency thereof, or with any state or agency thereof, or any private organization or individual engaged in functions comparable to those performed

by the commission for the exchange of information, studies, and surveys, or conduct surveys.

176. The commission shall submit annually to the Governor and the Legislature its findings and recommendations not later than December 31st of each calendar year.

CHAPTER 999

An act to amend Sections 24379, 24386, 24388, 24389, 24390, 24391, 24392, 24393, and 24394 of the Health and Safety Code, relating to motor vehicle air pollution control.

[Approved by Governor June 19, 1963 Filed with Secretary of State June 19, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 24379 of the Health and Safety Code is amended to read:

24379. (a) As used in this chapter the following terms shall be construed as defined in the Vehicle Code:

(1) Commercial vehicle
(2) Implement of husbandry
(3) Motor vehicle
(4) Motor-driven cycle
(5) Used vehicle
(6) Passenger vehicle

(b) As used in this chapter, "motor vehicle pollution control device" means equipment designed for installation on a motor vehicle for the purpose of reducing the pollutants emitted from the vehicle, or a system or engine modification on a motor vehicle which causes a reduction of pollutants emitted from the vehicle.

(c) As used in this chapter, "certified device" means a motor vehicle pollution control device for the control of emissions of pollutants from a vehicle from a particular source of emissions from the vehicle, including, but not limited to, the exhaust system, the crankcase, the carburetor, and the fuel tank, for which standards have been set by the state department under Section 426 5 and for which a certificate of approval has been issued by the Motor Vehicle Pollution Control Board. Whenever under this chapter or any other law a motor vehicle is required to be equipped with a certified device, such requirement refers to the certified device for the control of emissions of pollutants from the particular source involved.

SEC. 2. Section 24386 of said code is amended to read:

24386. The Motor Vehicle Pollution Control Board shall have the powers and authority necessary to carry out the duties imposed on it by this chapter, including, but not limited to, the following:

(1) To adopt rules and regulations in accordance with the provisions of the Administrative Procedure Act (commencing at Section 11370 of the Government Code), necessary for proper execution of the powers and duties granted to, and imposed upon the board by this chapter.

(2) To employ such technical and other personnel as may be necessary for the performance of its powers and duties.

(3) To determine and publish the criteria for approval of motor vehicle pollution control devices. In determining the criteria the board shall take into consideration the cost of the device and its installation, its durability, the ease and facility of determining whether the device, when installed on a motor vehicle, is properly functioning, and any other factors which, in the opinion of the board, render such a device suitable or unsuitable for the control of motor vehicle air pollution or for the health, safety, and welfare of the public.

(4) To issue certificates of approval for any motor vehicle pollution control device where, after being tested by the board or tested and recommended by a laboratory designated by the board as an authorized vehicle pollution control testing laboratory, the board finds that the device operates within the standards set by the state department under Section 426.5 and meets the criteria adopted under subdivision (3) of this section.

(5) To exempt from Article 3 of this chapter designated classifications of motor vehicles for which certified devices are not available, and motor vehicles whose emissions are found by appropriate tests to meet state standards without additional equipment, and motor-driven cycles, implements of husbandry, and vehicles which qualify for special license plates under Section 5004 of the Vehicle Code.

(6) To revoke, suspend, or restrict a certificate of approval previously issued or an exemption previously granted, upon a determination by the board that the device or motor vehicle no longer operates within the standards set by the state department under Section 426.5 or no longer meets the criteria adopted under subdivision (3) of this section or no longer should be exempted. Provided that once any motor vehicle is equipped with a certified device it shall not thereafter be deemed to be in violation of this chapter or Section 27156 of the Vehicle Code because a certificate of approval for such device is subsequently revoked, suspended, or restricted, and replacement parts for such device may continue to be supplied and used for such vehicle, unless such revocation, suspension or restriction of a certificate of approval is based upon a finding that the certified device has been found to be unsafe in actual use or is otherwise mechanically defective, in which event such motor vehicle must be brought into compliance with this chapter within 30 days after such finding.

(7) Proceedings under this chapter with respect to the denial of applications for the issuance of certificates of approval or the granting of exemptions, or for the revocation,

suspension, or restriction of certificates of approval previously issued, or exemptions previously granted, by the board shall be conducted in accordance with the provisions of Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code, and the board shall have all the powers granted therein.

SEC. 3. Section 24388 of said code is amended to read:

24388. Whenever the Motor Vehicle Pollution Control Board issues certificates of approval for two or more devices for the control of emissions of pollutants from a particular source of emissions from motor vehicles for which standards have been set by the state department under Section 426.5, it shall so notify the Department of Motor Vehicles.

SEC. 4. Section 24389 of said code is amended to read:

24389. (a) As used in this article "the certification date," with respect to certified devices to control emissions of pollutants from a particular source of emissions from motor vehicles, means the date on which the Motor Vehicle Pollution Control Board notifies the Department of Motor Vehicles that it has issued certificates of approval for two or more devices for the control of emissions from such source. There shall be a separate certification date each time the state department sets standards for the control of emissions of pollutants from a particular source of emissions from motor vehicles and the board notifies the Department of Motor Vehicles that it has issued certificates of approval for two or more devices for the control of emissions from such source.

(b) As used in this article "principal vehicle location" means (1) for passenger vehicles owned by a person (as distinguished from a firm, copartnership, association, or corporation), the county in which the owner resides; (2) for commercial vehicles, and passenger vehicles registered in the name of a firm, copartnership, association, or corporation (as distinguished from a person), that county or counties in which the vehicle will be operated during the greatest portion of time during the period for which registered. If the vehicle referred to in subdivision (2) of subsection (b) operates the greatest portion of time in more than one county in which the provisions of Sections 24391, 24392 and 24393 are operative, the principal vehicle location shall be designated as one of the counties in which the provisions of Sections 24391, 24392 and 24393 are operative.

(c) Where only a portion of a county is located within an air pollution control district of the class described in subdivision (b) of Section 24394 and where Sections 24391, 24392 and 24393 are operative in only one portion of the county, the principal vehicle location shall be determined with respect to the portion of the county in which the owner resides or in which the vehicle is operated, respectively.

SEC. 5. Section 24390 of said code is amended to read:

24390. (a) No new motor vehicle shall be registered in this State after one year after the certification date unless and

until the motor vehicle is equipped with a certified device to control emissions of pollutants from the crankcase.

(b) No new motor vehicle shall be registered in this State after the certification date for any certified device, except a device to control emission of pollutants from the crankcase, unless and until the motor vehicle is equipped with such a certified device. Provided, that this subdivision shall be first applicable to new motor vehicles only on a model year basis, and then only when 12 months shall have intervened between the time of such certification date and the introduction of such model year vehicle for sale.

SEC. 6. Section 24391 of said code is amended to read:

24391. (a) No used motor vehicle, except those specifically exempted, upon transfer of registered owner shall be registered after one year after the certification date unless and until the motor vehicle is equipped with a certified device.

(b) No used motor vehicle, except those specifically exempted, shall be registered after one year after the certification date for any certified device, other than a device to control the emission of pollutants from the crankcase, unless and until it is equipped with such a device in accordance with an installation schedule established by the board.

SEC. 7. Section 24392 of said code is amended to read:

24392. (a) For the purpose of this section the 10 months of January 1964 through October 1964 shall be considered as numbered consecutively from 1 through 10.

(b) Each commercial motor vehicle, except those specifically exempted, or previously so equipped, shall, during the calendar year 1964, be equipped with a certified device to control emission of pollutants from the crankcase during or prior to the month in which the last digit of its license number corresponds with the number assigned to such month in subdivision (a).

(c) No commercial motor vehicle, except those specifically exempted, shall be registered after December 1, 1964, unless and until it is equipped with a certified device to control emission of pollutants from the crankcase.

SEC. 8. Section 24393 of said code is amended to read:

24393. (a) For the purpose of this section, the 10 months of January 1965 through October 1965 shall be considered as numbered consecutively from 1 through 10.

(b) Each passenger motor vehicle, except those specifically exempted, or previously so equipped, shall, during the calendar year 1965, be equipped with a certified device to control emission of pollutants from the crankcase during or prior to the month in which the last digit of its license number corresponds with the number assigned to such month in subdivision (a).

(c) No passenger motor vehicle, except those specifically exempted, shall be registered after December 31, 1965, unless

and until it is equipped with a certified device to control emissions of pollutants from the crankcase.

SEC. 9. Section 24394 of said code is amended to read:

24394. (a) In any county which is not, in whole or in part, included within the boundaries of an air pollution control district created by special law to include the area of two or more counties, the board of supervisors may determine, in the manner provided in this section, that the provisions of Sections 24391, 24392 and 24393 are unnecessary for the accomplishment of the purposes of this chapter and that those sections shall not be operative within that county.

The board of supervisors may hold a hearing to determine the existence and extent of motor vehicle created air pollution in the county. In determining the existence and extent of air pollution, the air quality standards established by the State Department of Public Health shall be used. The board of supervisors may, at the completion of the public hearing, and on the basis of its finding as to air quality in the county, determine and adopt a resolution declaring that the provisions of Sections 24391, 24392 and 24393 are unnecessary for the preservation of air quality and that those sections shall not be operative within the county. A copy of each such resolution shall be filed with the Motor Vehicle Pollution Control Board and the Department of Motor Vehicles.

(b) In each county which is included within the boundaries of an air pollution control district created by special law to include the area of two or more counties the governing body of the district may, by following the procedures set forth in subdivision (a) of this section, on a districtwide basis, (rather than the board of supervisors of each county included within the district) determine that the provisions of Sections 24391, 24392 and 24393 shall not be operative within the district.

(c) Where only a portion of a county is located within an air pollution control district of the class described in subdivision (b) of this section, the board of supervisors of that county may, by following the procedures set forth in subdivision (a) of this section determine that the provisions of Sections 24391, 24392 and 24393 shall not be operative within that portion of the county not included in the air pollution control district.

(d) Thereafter the board of supervisors, or governing body, of each such county (or portion thereof) or district in which the provisions of Sections 24391, 24392 and 24393 are not operative, shall hold such a public hearing at least every two years and may adopt a resolution declaring that the provisions of Sections 24391, 24392 and 24393 are necessary for the preservation of air quality and that those sections shall be operative within the county (or portion thereof) or district, respectively. Thereupon the provisions of Sections 24391, 24392 and 24393

shall be operative in the county (or portion thereof) or district. A copy of each such resolution shall be filed with the Motor Vehicle Pollution Control Board and the Department of Motor Vehicles.

(e) The Motor Vehicle Pollution Control Board shall notify the board of supervisors of every county, no later than October 1 of every odd-numbered year, commencing in 1963, of the provisions and requirements of this section.

CHAPTER 1000

An act to amend Section 23788.5 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor June 19, 1963 Filed with Secretary of State June 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 23788.5 of the Business and Professions Code is amended to read:

23788.5. No onsale licensee shall knowingly employ any person to manage, direct, or conduct the business who does not have the qualifications required of a holder of the license.

CHAPTER 1001

An act to add Section 25510 to the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor June 19, 1963 Filed with Secretary of State June 19, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 25510 is added to the Business and Professions Code, to read:

25510. Notwithstanding any other provision of this chapter, a beer manufacturer may furnish to a beer wholesaler, and a beer wholesaler or manufacturer may furnish to a retailer, such items of equipment as permitted by department regulation in the case of either an initial installation for a new account or a changeover of equipment from one tapping system to another. Such equipment shall remain the property of the supplier. A supplier may service and repair the items of equipment as may be deemed necessary.

CHAPTER 1002

An act to amend Sections 161 and 164.1 of the Military and Veterans Code, relating to the State Militia.

[Approved by Governor June 19, 1963. Filed with Secretary of State June 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 161 of the Military and Veterans Code is amended to read:

161. The office of the Adjutant General consists of one officer of the rank of lieutenant general who is the Adjutant General, one officer of the rank of brigadier general who is the Assistant Adjutant General, one officer who may be of the rank of brigadier general who is the Deputy Adjutant General, Army Division, one officer who may be of the rank of brigadier general who is the Deputy Adjutant General, Air Division, and such other officers as are prescribed by the laws or regulations of the United States. No person is eligible for appointment as the Assistant Adjutant General unless he had not less than a total of five (5) years of commissioned service in the National Guard of the United States, of which at least three (3) years shall be service as a field grade officer in the California National Guard within the preceding 10-year period prior to the date of appointment and of which at least three (3) years shall have been in command of Army or air troops at the battalion or equivalent or higher command level or three (3) years as a staff officer at brigade or equivalent or higher staff level. The Assistant Adjutant General is subordinate only to the Governor and the Adjutant General.

SEC. 2. Section 164.1 of said code is amended to read:

164.1. Notwithstanding any other provision of law, the Adjutant General shall be paid the same pay and allowances as is received by a major general in the Army of the United States and shall be paid in the same manner and at the same time as other state officers.

CHAPTER 1003

An act to amend Section 1420 of the Insurance Code, relating to dividends paid by reciprocal insurers.

[Approved by Governor June 19, 1963. Filed with Secretary of State June 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 1420 of the Insurance Code is amended to read:

1420. Savings or credits may be returned to the subscribers irrespective of the source from which such savings or credits

accrue whenever such returns do not constitute an impairment of the assets or reserves required to be maintained. There shall be no unfair allocation in the making of such returns as between persons or places.

CHAPTER 1004

An act to amend Sections 22520 and 22651 of the Vehicle Code, relating to vehicles.

[Approved by Governor June 19, 1963. Filed with Secretary of State June 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 22520 of said code is amended to read:

22520. No person shall stop, park, or leave standing any vehicle upon a freeway which has full control of access and no crossings at grade except:

(a) When necessary to avoid injury or damage to persons or property.

(b) When required by law or in obedience to a peace officer or official traffic control device.

(c) Any person actually engaged in maintenance or construction on freeway property or any employee of a public agency actually engaged in the performance of official duties.

(d) Any vehicle which is so disabled that it is impossible to avoid temporarily stopping and any vehicle which has been summoned to render assistance to a vehicle or person.

(e) In locations where stopping, standing or parking is specifically permitted.

SEC. 2. Section 22651 of said code is amended to read:

22651. Any member of the California Highway Patrol or any regularly employed and salaried deputy of the sheriff's office of a county in which a vehicle is located or any regularly employed and salaried officer of a police department in a city in which a vehicle is located may remove a vehicle from a highway under the following circumstances:

(a) When any vehicle is left unattended upon any bridge, viaduct or causeway or in any tube or tunnel where the vehicle constitutes an obstruction to traffic.

(b) When any vehicle is left standing upon a highway in such a position as to obstruct the normal movement of traffic.

(c) When any vehicle is found upon a highway and report has previously been made that the vehicle has been stolen or complaint has been filed and a warrant thereon issued charging that the vehicle has been embezzled.

(d) When any vehicle is illegally parked so as to block the entrance to a private driveway and it is impractical to move such vehicle from in front of the driveway to another point on the highway.

(e) When any vehicle is illegally parked so as to prevent access by firefighting equipment to a fire hydrant and it is impracticable to move such vehicle from in front of the fire hydrant to another point on the highway.

(f) When any vehicle, except any highway maintenance or construction equipment, is left unattended for more than four hours upon the right-of-way of any freeway which has full control of access and no crossings at grade.

(g) When the person or persons in charge of a vehicle upon a highway are by reason of physical injuries or illness incapacitated to such an extent as to be unable to provide for its custody or removal.

(h) When an officer arrests any person driving or in control of a vehicle for an alleged offense and the officer is by this code or other law required or permitted to take and does take the person arrested before a magistrate without unnecessary delay.

CHAPTER 1005

An act to amend Section 6385 of the Revenue and Taxation Code, relating to sales taxes.

[Approved by Governor June 19, 1963. Filed with Secretary of State June 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 6385 of the Revenue and Taxation Code is amended to read:

6385. There are exempted from the computation of the amount of the sales tax the gross receipts from sales of tangible personal property to a common carrier, shipped by the seller via the purchasing carrier under a bill of lading whether the freight is paid in advance, or the shipment is made freight charges collect, to a point outside this State and the property is actually transported to the out-of-state destination for use by the carrier in the conduct of its business as a common carrier. The term "common carrier," as used in this section, with respect to water transportation, shall be deemed to include any vessel engaged, for compensation, in transporting persons or property in interstate or foreign commerce.

SEC. 2. The amendment made by Section 1 of this act is hereby declared to be merely a clarification of the original intention of the Legislature, rather than a substantive change, and Section 6385 of the Revenue and Taxation Code shall be construed for all purposes as though it had always read as so amended.

CHAPTER 1006

An act to add Section 6491.2 to the Health and Safety Code, relating to sanitary districts.

[Approved by Governor June 19, 1963. Filed with Secretary of State June 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 6491.2 is added to the Health and Safety Code, to read:

6491.2. The district board may, by general regulation, adopt a code by reference in the same manner as legislative bodies of local agencies are authorized to adopt primary and secondary codes by reference pursuant to Section 50022.1 to 50022.8, inclusive, of the Government Code, and for the purposes of such sections of the Government Code the district board shall be deemed a legislative body and the district shall be deemed a local agency.

Any code adopted by the district board, by reference, shall impose restrictions equal to or greater than those imposed by the State Housing Law, Part 1.5 (commencing with Section 17910), Division 13 of this code, and the rules and regulations promulgated pursuant thereto by the Department of Industrial Relations.

No penalty clauses or sanctions contained in any code adopted by reference pursuant to this section shall be effective.

Every person who violates any provision of a general regulation adopted pursuant to this section or of a code adopted by reference in such general regulation is guilty of a misdemeanor.

CHAPTER 1007

An act to add Section 1038 to the Public Utilities Code, relating to passenger stage corporations.

[Approved by Governor June 19, 1963. Filed with Secretary of State June 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 1038 is added to the Public Utilities Code, to read:

1038. The interior of every passenger stage operated for hire in this State shall be maintained in a clean and sanitary condition.

CHAPTER 1008

An act to amend Section 6407 of the Health and Safety Code, relating to sanitary districts.

[Approved by Governor June 19, 1963. Filed with Secretary of State June 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 6407 of the Health and Safety Code is amended to read:

6407. "District project," as used in this part, means any construction, reconstruction, alteration, enlargement, renewal, or replacement of sewer facilities which the district is authorized to do, including, but not limited to, the furnishing of supplies or materials for any such work.

CHAPTER 1009

An act to amend Section 34080 of the Government Code, relating to municipal corporations.

[Approved by Governor June 19, 1963. Filed with Secretary of State June 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 34080 of the Government Code is amended to read:

34080. The clerk of the legislative body conducting the proceeding shall file with the recorder of the county in which the city is located, an affidavit stating that all requirements of law pertaining to the proceeding have been complied with, if it relates to:

(a) Incorporation of territory as a city.

(b) Consolidation of cities.

(c) Change of name of a city.

(d) Disincorporation of a city.

(e) Annexation of territory to, or exclusion of territory from, a city.

(f) The boundaries of any city.

The city shall not perform any official act, the validity of which depends upon such proceedings, until the affidavit of completion has been filed. If the proceeding is a proceeding for the annexation of territory to a city the territory shall be deemed to be unincorporated territory until the affidavit required by this section is filed by the city clerk, or until a later specified date if a later date is specified pursuant to Section 35146 or 35318.

The affidavit shall have attached to it the certificate of the Secretary of State describing the document filed in his office which is required to complete the proceedings, and the date of such filing.

CHAPTER 1010

An act to amend Section 18667 of the Financial Code, relating to industrial loan companies.

[Approved by Governor June 19, 1963. Filed with Secretary of State June 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 18667 of the Financial Code is amended to read:

18667. Whenever the interest or charges, or interest and charges deducted in advance exceed the maximum provided by this article, by reason of subsequent repayment of the loan, a new loan, refinancing, or otherwise, or any portion thereof prior to maturity or prepayment of installments on the investment certificate purchased with the loan, such excess shall be refunded to the borrower or credited on any balance owing by the borrower to the company. However, after the due date of the third monthly installment, the amount of any such refund credit may represent at least as great a proportion of the finance charge as the sum of the periodic balances after the month in which prepayment is made bears to the sum of all periodic balances under the schedule of installments in the loan agreement.

CHAPTER 1011

An act to add Section 970 to the Streets and Highways Code, relating to county highways.

[Approved by Governor June 19, 1963. Filed with Secretary of State June 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 970 is added to the Streets and Highways Code, to read:

970. In connection with the acquisition of land for the opening or widening of a county highway the county may agree with the owner of the property to construct, reconstruct or install immediately adjacent to the right-of-way, fences, driveways, sidewalks, retaining walls, and drainage or utility connections, if the performance of such work will reduce the amount of damages which would otherwise be payable to the property owner as compensation for the diminution in value

of that portion of said owner's property not being acquired for the opening or widening of the county highway.

The cost of the work so performed shall not exceed the estimated amount of the damages otherwise payable to the property owner and shall be deemed work incident to the improvement of the county highway and a proper charge against the funds of the county.

CHAPTER 1012

An act to amend Sections 73682, 73683, 73684, and 73694 of the Government Code, relating to municipal court attachés.

[Approved by Governor June 19, 1963. Filed with Secretary of State June 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 73682 of the Government Code is amended to read:

73682. There shall be one clerk to be appointed by the judges of the court in the manner provided by law who shall be the clerk, administrator and secretary of the court. He shall receive a minimum salary of six hundred sixty-five dollars ($665) a month, and upon the recommendation of the judges, increments of thirty-eight dollars ($38) after six months of service, forty dollars ($40) after 1½ years, forty-three dollars ($43) after 2½ years, and forty-five dollars $45) to a maximum salary of eight hundred thirty-one dollars ($831) after 4½ years of service.

SEC. 2. Section 73683 of said code is amended to read:

73683. The clerk may appoint:

(a) One assistant clerk who shall receive a minimum salary of five hundred three dollars ($503) a month, and upon the recommendation of the clerk, increments of twenty-nine dollars ($29) after six months of service, thirty-one dollars ($31) after 1½ years, thirty-two dollars ($32) after 2½ years, and thirty-four dollars ($34) to a maximum salary of six hundred twenty-nine dollars ($629) after 4½ years of service.

(b) One legal process clerk II who shall receive a minimum salary of four hundred seventy-six dollars ($476) a month, and upon the recommendation of the clerk, increments of twenty-seven dollars ($27) after six months of service, twenty-nine dollars ($29) after 1½ years, thirty-one dollars ($31) after 2½ years, and thirty-two dollars ($32) to a maximum salary of five hundred ninety-five dollars ($595) after 4½ years of service.

(c) Five court clerks, each of whom shall receive a minimum salary of four hundred twenty-six dollars ($426) a month, and upon the recommendation of the clerk, increments of twenty-four dollars ($24) after six months of service, twenty-six dol-

lars ($26) after 1½ years, twenty-seven dollars ($27) after 2½ years, and twenty-nine dollars ($29) to a maximum salary of five hundred thirty-two dollars ($532) after 4½ years of service

(d) One senior account clerk who shall receive a minimum salary of four hundred three dollars ($403) a month, and upon the recommendation of the clerk, increments of twenty-three dollars ($23) after six months of service, twenty-four dollars ($24) after 1½ years, twenty-six dollars ($26) after 2½ years, and twenty-seven dollars ($27) to a maximum salary of five hundred three dollars ($503) after 4½ years of service.

(e) Two senior clerks who shall receive a minimum salary of three hundred eighty-one dollars ($381) a month, and upon the recommendation of the clerk, increments of twenty-two dollars ($22) after six months of service, twenty-three dollars ($23) after 1½ years, twenty-four dollars ($24) after 2½ years, and twenty-six dollars ($26) to a maximum salary of four hundred seventy-six dollars ($476) after 4½ years of service.

(f) One small claims clerk who shall receive a minimum salary of three hundred forty-one dollars ($341) a month, and upon the recommendation of the clerk, increments of nineteen dollars ($19) after six months of service, twenty-one dollars ($21) after 1½ years, twenty-two dollars ($22) after 2½ years, and twenty-three dollars ($23) to a maximum salary of four hundred twenty-six dollars ($426) after 4½ years of service.

(g) One account clerk who shall receive a minimum salary of three hundred forty-one dollars ($341) a month, and upon the recommendation of the clerk, increments of nineteen dollars ($19) after six months of service, twenty-one dollars ($21) after 1½ years, twenty-two dollars ($22) after 2½ years, and twenty-three dollars ($23) to a maximum salary of four hundred twenty-six dollars ($426) after 4½ years of service.

SEC. 3. Section 73684 of said code is amended to read:

73684. The clerk may also appoint:

(a) Two intermediate stenographer clerks, each of whom shall receive a minimum salary of three hundred forty-one dollars ($341) a month, and upon the recommendation of the clerk, increments of nineteen dollars ($19) after six months of service, twenty-one dollars ($21) after 1½ years, twenty-two dollars ($22) after 2½ years, and twenty-three dollars ($23) to a maximum salary of four hundred twenty-six dollars ($426) after 4½ years of service.

(b) One junior stenographer clerk who shall receive a minimum salary of three hundred five dollars ($305) a month, and upon the recommendation of the clerk, increments of seventeen dollars ($17) after six months of service, nineteen dollars ($19) after 1½ years, nineteen dollars ($19) after 2½ years, and twenty-one dollars ($21) to a maximum salary of three hundred eighty-one dollars ($381) after 4½ years of service.

(c) The clerk may appoint any combination of the two foregoing classes, but a total of three positions shall not be exceeded.

(d) Fourteen intermediate typist clerks, each of whom shall receive a minimum salary of three hundred twenty-two dollars ($322) a month, and upon the recommendation of the clerk, increments of nineteen dollars ($19) after six months of service, nineteen dollars ($19) after 1½ years of service, twenty-one dollars ($21) after 2½ years of service, and twenty-two dollars ($22) to a maximum salary of four hundred three dollars ($403) after 4½ years of service.

(e) Four junior typist clerks, each of whom shall receive a minimum salary of two hundred eighty-eight dollars ($288) a month, and upon the recommendation of the clerk, increments of seventeen dollars ($17) after six months of service, seventeen dollars ($17) after 1½ years, nineteen dollars ($19) after 2½ years, and nineteen dollars ($19) to a maximum salary of three hundred sixty dollars ($360) after 4½ years of service.

SEC. 4. Section 73694 of said code is amended to read:

73694. Notwithstanding the provisions of Article 4 (commencing with Section 72150) of Chapter 8 of this title and the provisions of this article, and in order to equalize the compensation of employees of the municipal court with the compensation paid to county employees with commensurate duties and responsibilities, upon recommendation of the clerk of the court with the approval of the Board of Supervisors of the County of Fresno, the officers and attachés of the court, as are more particularly named in Sections 73682, 73683 and 73684, may be paid any compensation which is within the ranges and increments of the Fresno County Salary Ordinance then in effect up to, but not exceeding 12 percent of the maximum amounts specified in this article, operative at the same time as that higher compensation becomes operative in the Fresno County Salary Ordinance. This section shall remain in effect until the 91st day after the final adjournment of the 1965 session of the California Legislature.

CHAPTER 1013

An act to amend Section 28114 of the Government Code, relating to public service in counties.

[Approved by Governor June 19, 1963. Filed with Secretary of State June 19, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 28114 of the Government Code is amended to read:

28114. In a county of the 14th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, twelve thousand dollars ($12,000) a year.

(b) The district attorney, fifteen thousand six hundred dollars ($15,600) a year.

(c) Each supervisor, eight thousand four hundred dollars ($8,400) a year and actual and necessary expenses, including expenses for meals, incurred in the performance of the duties of his office. In addition, each member who uses a privately owned automobile in the discharge of necessary official duties as supervisor shall be paid the sum of ten cents ($0.10) per mile to reimburse him for the use of said automobile. The chairman of the board of supervisors shall receive, as additional compensation, two thousand one hundred dollars ($2,100) a year for services rendered as chairman.

(d) For attendance in the superior court each trial juror shall be allowed five dollars ($5) for each day's attendance, and mileage at the rate of ten cents ($0.10) for each mile actually and necessarily traveled in attending upon and returning from court, mileage to be computed for daily attendance, irrespective of whether the daily attendance covers one or more sessions of court.

Each member of the grand jury shall be allowed five dollars ($5) for each day in attendance upon the sessions of the grand jury or for each day's service as a member of any committee of the grand jury and mileage at the rate of ten cents ($0.10) for each mile actually and necessarily traveled in attendance upon and returning from meetings to the grand jury, or any session of a grand jury committee, duly called by the secretary, or committee chairman.

The compensation provided by this section shall be payable to incumbent officers.

CHAPTER 1014

An act to amend Sections 25410 and 25473.5 of the Education Code, and to repeal Section 926 of Division 4 of the Education Code, as proposed by Senate Bill No. 718, relating to junior college districts.

[Approved by Governor June 20, 1963. Filed with Secretary of State June 21, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 25410 of the Education Code is amended to read:

25410. In any junior college district coterminous with a high school or unified district, the governing board of the high school or unified district shall, except as provided in this section, constitute the junior college board and after organizing as a junior college board shall have the management and control of the junior college in the district. If the district is divided into two or more high school or unified districts, or if any territory is included within the boundaries of such junior

college district by annexation thereto or by change of boundaries thereof, which territory is not included within the high school or unified district, such junior college district shall be governed by a board of five members who shall be elected in the same manner, for the same terms, and at the same time as are members of the governing boards of other districts. Within 15 days after the effective date of the annexation or change of boundaries for the purpose of electing members of the governing board, the county superintendent of schools having jurisdiction over the junior college district shall call an election. The election shall be called and conducted in the manner provided by law for an election to choose the first governing board members of a newly formed junior college district.

SEC. 2. Section 25473.5 of said code is amended to read:

25473.5. Whenever a high school district is annexed to a junior college district pursuant to this article, the territory annexed to the junior college district shall not be liable for the payment of any part of the interest on, or principal of any bonded indebtedness of the junior college district theretofore incurred, unless a prorata portion of the indebtedness is assumed pursuant to this article.

SEC. 3. Section 926 of said code, as proposed to be added by Senate Bill No. 718 of the 1963 Regular Session, is repealed.

SEC. 4. Section 3 of this act shall become operative only if Division 4 of the Education Code, as proposed by Senate Bill No. 718 is enacted by the Legislature at the 1963 Regular Session, and in such case at the same time as said Senate Bill No. 718 takes effect.

CHAPTER 1015

An act to amend Section 25444.5 of the Education Code, and to repeal Section 2591 of Division 5 of the Education Code, as proposed to be added by Senate Bill No. 718, relating to a junior college remaining a separate district upon formation of a coterminous unified district.

[Approved by Governor June 20, 1963. Filed with Secretary of State June 21, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 25444.5 of the Education Code is amended to read:

25444.5. If a unified district is formed to include a high school district and the boundaries of the high school district are coterminous with a junior college district and with the boundaries of the newly formed unified school district, the junior college district shall remain a separate district and shall not become an integral part of the unified district.

This section shall not affect the status of any unified district formed and maintaining a junior college on or before July 1, 1961, and shall not be deemed to require the formation of a junior college district for the maintenance of any junior college now operated by a unified district.

The governing board of the unified district shall constitute the governing board of the junior college district, and after organizing as a junior college board shall have the management and control of the junior college district, provided, however, should any territory be included within the boundaries of such junior college district by annexation thereto or by change of boundaries thereof, which territory is not included within the unified district, such junior college district shall be governed by a board of five members who shall be elected in the same manner, for the same terms, and at the same time as are members of the governing boards of other junior college districts. Within 15 days after the effective date of the annexation or change of boundaries for the purpose of electing members of the governing board, the county superintendent of schools having jurisdiction over the junior college district shall call an election. The election shall be called and conducted pursuant to Section 937 of this code.

A junior college district remaining a separate district pursuant to this section shall not be deemed a newly created district within the meaning of Chapter 8 (commencing with Section 54900), Part 1, Division 2, Title 5 of the Government Code.

SEC. 2. Section 2591 of said code, as proposed to be added by Senate Bill No. 718 of the 1963 session, is repealed.

SEC. 3. Section 2 of this act shall become operative only if Division 5 of the Education Code, as proposed to be added by Senate Bill No. 718 of the 1963 session, is enacted by the Legislature at such session, and in such case at the same time as said Division 5 takes effect.

CHAPTER 1016

An act to add Section 7067.6 to, and to amend Sections 7068.1 and 7075 of, the Business and Professions Code, relating to contractors.

[Approved by Governor June 20, 1963. Filed with Secretary of State June 21, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 7067.6 is added to the Business and Professions Code, to read:

7067.6. Every application form for an original license, for renewal thereof, for reinstatement or for reissuance, including

both active and inactive licenses, shall be signed by both the applicant and by the person qualifying on behalf of an individual or firm as referred to in Section 7068.1.

SEC. 2. Section 7068.1 of said code is amended to read:

7068.1. The person qualifying on behalf of an individual or firm under subdivision (a), (b), or (c) of Section 7068 shall be responsible for exercising such direct supervision and control of his employer's or principal's construction operations as is necessary to secure full compliance with the provisions of this chapter and the rules and regulations of the board relating to such construction operations and such person shall not act in the capacity of the qualifying person for an additional individual or firm unless one of the following conditions exists:

(a) There is common ownership of at least 10 percent of the equity of each individual or firm for which the person acts in a qualifying capacity.

(b) With respect to a firm under subdivision (b) or (c) of Section 7068, the individual has a financial interest therein amounting to at least one thousand dollars ($1,000) or 10 percent of the ownership, whichever is the lesser.

(c) The additional firm is a subsidiary of or a joint venture with the first. "Subsidiary," as used in this subdivision, means any firm at least 10 percent of the equity of which is owned by the other firm.

(d) With respect to a firm under subdivision (b) or (c) of Section 7068, the majority of the partners or officers are the same.

Nothing contained in the amendments made to this section at the 1961 Regular Session of the Legislature shall apply to a person who on the effective date of such amendments is acting in the capacity of a qualifying individual for an additional firm.

"Firm," as used in this section, means a copartnership, a limited partnership, a corporation, or any other combination or organization described in Section 7068.

"Person," as used in this section, is limited to persons natural, notwithstanding the definition of "person" in Section 7025 of this chapter.

SEC. 3. Section 7075 of said code is amended to read:

7075. The license shall be signed by the licensee and by the person qualifying on behalf of an individual or firm as referred to in Section 7068.1, shall be nontransferable and shall be displayed in the licensee's main office or chief place of business. Satisfactory evidence of the possession of his license and the current renewal thereof shall be exhibited by the licensee upon demand.

CHAPTER 1017

An act to amend Section 7068 of the Business and Professions Code, relating to contractors.

[Approved by Governor June 20, 1963 Filed with Secretary of State June 21, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 7068 of the Business and Professions Code is amended to read:

7068. The board shall require an applicant to show such degree of knowledge and experience in the classification applied for, and such general knowledge of the building, safety, health and lien laws of the State and of the administrative principles of the contracting business as the board deems necessary for the safety and protection of the public.

An applicant may qualify in regard to his experience and knowledge in the following ways:

(a) If an individual, he may qualify by personal appearance or by the appearance of his responsible managing employee.

(b) If a copartnership or a limited partnership, it may qualify by the appearance of a general partner or a responsible managing employee.

(c) If a corporation, or any other combination or organization, it may qualify by the appearance of the responsible managing officer, the responsible managing employee, or a member of the personnel of such applicant.

CHAPTER 1018

An act to amend Section 2139 of the Business and Professions Code, relating to podiatrists.

[Approved by Governor June 20, 1963. Filed with Secretary of State June 21, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 2139 of the Business and Professions Code is amended to read:

2139. The certificate to practice podiatry authorizes the holder to practice podiatry. As used in this chapter:

Podiatry means the diagnosis, medical, surgical, mechanical, manipulative, and electrical treatment of the human foot, including the nonsurgical treatment of the muscles and tendons of the leg governing the functions of the foot. No podiatrist shall do any amputation or administer an anesthetic other than local.

CHAPTER 1019

An act to amend Sections 72702, 72702.5, 72703, 72704, 72704.5, 72705, 72705.5, 72751, 72752, 72753, 72754, 72756 and 72760 of, and to add Sections 72606 and 72751.5 to, the Government Code, relating to municipal courts.

[Approved by Governor June 20, 1963. Filed with Secretary of State June 21, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 72606 is added to the Government Code, to read:

72606. Any person who leaves a position enumerated in Articles 2, 3, or 4 of Chapter 9 who immediately prior to such separation, shall have occupied such position for one year or more, shall be allowed a leaving vacation consisting of the number of days earned during the current year, or may be allowed an equivalent lump sum payment for such earned vacation in lieu of retaining such person on the payroll. Such person may not be re-employed in any position the compensation for which is an obligation of the County of Los Angeles until the number of days for which he has been paid has elapsed.

SEC. 2. Section 72702 of said code is amended to read:

72702. There shall be one clerk who shall be appointed by the judges of the court and who shall receive a monthly salary at a rate specified in Schedule 67 of the salary schedule provided in Section 72705.

SEC. 3. Section 72702.5 of said code is amended to read:

72702.5. The clerk may appoint one chief deputy clerk who shall receive a monthly salary at a rate specified in Schedule 57 of the salary schedule provided in Section 72705.

SEC. 4. Section 72703 of said code is amended to read:

72703. The clerk may appoint:

(a) One deputy clerk who shall be chief, traffic division, and who shall receive a monthly salary at a rate specified in Schedule 51.

(b) One deputy clerk who shall be chief, civil division, and who shall receive a monthly salary at a rate specified in Schedule 51.

(c) One deputy clerk who shall be chief, criminal division, and who shall receive a monthly salary at a rate specified in Schedule 51.

(d) One deputy clerk who shall be chief accountant, and who shall receive a monthly salary at a rate specified in Schedule 49.

(e) Three deputy clerks, assistant division chiefs, each of whom shall receive a monthly salary at a rate specified in Schedule 45.

(f) One deputy clerk who shall be chief, administrative services, and who shall receive a monthly salary at a rate specified in Schedule 49.

(g) One deputy clerk who shall be administrative jury commissioner, and who shall receive a monthly salary at a rate specified in Schedule 45.

(h) One deputy clerk who shall be assistant secretary and jury commissioner, who shall receive a monthly salary at a rate specified in Schedule 49.

The value, in dollars, of each monthly salary herein shall be at the rates indicated opposite the respective schedule number in the salary schedule provided in Section 72705.

SEC. 5. Section 72704 of said code is amended to read:

72704. The clerk may also appoint:

(a) Five deputy clerks grade V, each of whom shall receive a monthly salary at a rate specified in Schedule 43.

(b) Four deputy clerks, principal clerk, each of whom shall receive a monthly salary at a rate specified in Schedule 41.

(c) Fifty-six deputy clerks grade IV, plus one additional such deputy clerk for each judge in excess of 49 to which the court is or may become entitled by law, each of whom shall receive a monthly salary at a rate specified in Schedule 39.

(d) One deputy clerk, secretary to the presiding judge, who shall receive a monthly salary at a rate specified in Schedule 32. Appointments to said positions shall be at step C of said schedule.

(e) Twelve deputy clerks, judicial secretary, each of whom shall receive a monthly salary at a rate specified in Schedule 30. Appointments to said positions shall be at step C of said schedule.

(f) Forty-nine deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 26.

(g) One hundred ten deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 20.

(h) One hundred thirty-five deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 16. Appointments to such positions shall be at step C of the schedule.

The value, in dollars, of each monthly salary herein shall be at the rates indicated opposite the respective schedule number in the salary schedule provided in Section 72705.

SEC. 6. Section 72704.5 of said code is amended to read:

72704.5. The clerk may also appoint the following deputy clerks as needed:

(a) One chief tabulating machine operator who shall receive a monthly salary at a rate specified in Schedule 41.

(b) One supervising tabulating machine operator who shall receive a monthly salary at a rate specified in Schedule 35.

(c) Two intermediate tabulating machine operators, each of whom shall receive a monthly salary at a rate specified in Schedule 29.

(d) Six tabulating machine operators, each of whom shall receive a monthly salary at a rate specified in Schedule 25.

(e) Two supervising key punch operators, each of whom shall receive a monthly salary at a rate specified in Schedule 23.

(f) Forty-five key punch operators, each of whom shall receive a monthly salary at a rate specified in Schedule 19.

SEC. 7. Section 72705 of said code is amended to read:

72705. Whenever reference to a numbered salary schedule is made in any section of this article, the following schedule of monthly salaries shall apply:

Schedule number	Step A	Step B	Step C	Step D	Step E
11	$288	$303	$319	$337	$355
12	295	311	328	346	365
13	303	319	337	355	375
14	311	328	346	365	385
15	319	337	355	375	395
16	328	346	365	385	406
17	337	355	375	395	417
18	346	365	385	406	428
19	355	375	395	417	440
20	365	385	406	428	452
21	375	395	417	440	464
22	385	406	428	452	476
23	395	417	440	464	489
24	406	428	452	476	502
25	417	440	464	489	516
26	428	452	476	502	530
27	440	464	489	516	545
28	452	476	502	530	560
29	464	489	516	545	575
30	476	502	530	560	591
31	489	516	545	575	608
32	502	530	560	591	624
33	516	545	575	608	641
34	530	560	591	624	659
35	545	575	608	641	677
36	560	591	624	659	696
37	575	608	641	677	715
38	591	624	659	696	735
39	608	641	677	715	755
40	624	659	696	735	776
41	641	677	715	755	797
42	659	696	735	776	819
43	677	715	755	797	842
44	696	735	776	819	865
45	715	755	797	842	889
46	735	776	819	865	914

Schedule number	Step A	Step B	Step C	Step D	Step E
47	755	797	842	889	940
48	776	819	865	914	966
49	797	842	889	940	992
50	819	865	914	966	1,020
51	842	889	940	992	1,048
52	865	914	966	1,020	1,077
53	889	940	992	1,048	1,107
54	914	966	1,020	1,077	1,138
55	940	992	1,048	1,107	1,170
56	966	1,020	1,077	1,138	1,203
57	992	1,048	1,107	1,170	1,236
58	1,020	1,077	1,138	1,203	1,271
59	1,048	1,107	1,170	1,236	1,306
60	1,077	1,138	1,203	1,271	1,343
61	1,107	1,170	1,236	1,306	1,380
62	1,138	1,203	1,271	1,343	1,419
63	1,170	1,236	1,306	1,380	1,458
64	1,203	1,271	1,343	1,419	1,499
65	1,236	1,306	1,380	1,458	1,540
66	1,271	1,343	1,419	1,499	1,583
67	1,306	1,380	1,458	1,540	1,627
68	1,343	1,419	1,499	1,583	1,673
69	1,380	1,458	1,540	1,627	1,719
70	1,419	1,499	1,583	1,673	1,767
71	1,458	1,540	1,627	1,719	1,816
72	1,499	1,583	1,673	1,767	1,867
73	1,540	1,627	1,719	1,816	1,919
74	1,583	1,673	1,767	1,867	1,973
75	1,627	1,719	1,816	1,919	2,027
76	1,673	1,767	1,867	1,973	2,084

(a) Any deputy clerk of grade I classification who is regularly required to work on Saturdays and Sundays, during the period of such service, shall draw the compensation of the step in the next higher numbered schedule which will increase his basic compensation by one step; any deputy clerk of grade III classification who in addition to the above is required to work a night shift shall receive a two-step increase in basic compensation. Any deputy clerk occupying a position set forth in Section 72704 and Section 72704.5, who is required regularly to work a night shift shall receive a one-step increase in basic compensation. A night shift is a tour of duty which commences after 2 p.m. and prior to 6 a.m.

(b) Not more than nine deputy clerks grade IV, while assigned to supervisory duties in other divisions of the court, and, at each branch court of three or more divisions, one deputy clerk grade III assigned as office supervisor shall receive compensation at the rate of the next higher numbered salary schedule which will increase such basic compensation by one step.

(c) Unless otherwise specifically provided, each person appointed to a position, the compensation of which is fixed by reference to the salary schedule set forth in this article, shall, for the first six months of service, receive monthly the rate of compensation specified in the first step of the salary schedule for the position to which he is appointed. Upon the first day of the month following six months' continuous service in a class, the initial rate of compensation of such person shall be increased to the next higher step of the salary schedule for the position occupied. On and after the first day of the month following each ensuing 12 months of such service such compensation shall be increased to the rate specified in the next higher step of the salary schedule for the position occupied until such compensation equals the sum specified in step E of such schedule.

(d) When any person in the service of the court is appointed or promoted to another office or position in such service compensated at a higher numbered schedule, he shall receive step A of such schedule if step A is at least one step higher than the salary received in the office or position relinquished; but if not, he shall receive initially that step of the schedule pertaining to such office or position which will provide a one-step increase in his compensation.

(e) When any person in the service of the court is demoted to another office or position he shall receive compensation at the highest step of the salary schedule applicable to the position to which he is demoted which provides a salary not higher than that previously received by such person, except that if such demotion is due to disciplinary action, the appointing power may specify any step rate of such schedule which provides compensation not higher than that last previously received by such person.

SEC. 8. Section 72705.5 of said code is amended to read:

72705.5. Effective July 1, 1964, each respective salary schedule number attached to a position mentioned in Sections 72702 to 72704.5, inclusive, shall be increased by one number, and the basic compensation of each such position shall become that specified for such higher schedule number in the salary schedule set forth in Section 72705.

SEC. 9. Section 72751 of said code is amended to read:

72751. In each municipal court district having six judges authorized by law the officers and attachés shall be appointed and compensated as follows:

There shall be one clerk, appointed by the judges of the court, who shall receive a monthly salary at a rate specified in Schedule 53.

The clerk may appoint:

(a) Nine deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 16. Appointments to said positions shall be at step C of said schedule.

(b) Ten deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 20.

(c) Nine deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 26.

(d) Eight deputy clerks grade IV, each of whom shall receive a monthly salary at a rate specified in Schedule 39.

(e) One chief cashier-bookkeeper who shall receive a monthly salary at a rate specified in Schedule 41.

(f) One jury secretary who shall receive a monthly salary at a rate specified in Schedule 43.

(g) One chief clerk—civil who shall receive a monthly salary at a rate specified in Schedule 43.

(h) One chief clerk—criminal who shall receive a monthly salary at a rate specified in Schedule 43.

(i) One chief clerk—traffic who shall receive a monthly salary at a rate specified in Schedule 43.

SEC. 10. Section 72751.5 is added to said code, to read:

72751.5. In each municipal court district having four judges authorized by law the officers and attachés shall be appointed and compensated as follows:

There shall be one clerk, appointed by the judges of the court, who shall receive a monthly salary at a rate specified in Schedule 51.

The clerk may appoint:

(a) Eleven deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 16. Appointments to said positions shall be at step C of said schedule.

(b) Seven deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 20.

(c) Seven deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 26.

(d) Six deputy clerks grade IV, each of whom shall receive a monthly salary at a rate specified in Schedule 39.

(e) One chief deputy clerk who shall receive a monthly salary at a rate specified in Schedule 43.

SEC. 11. Section 72752 of said code is amended to read:

72752. In each municipal court district having three judges authorized by law the officers and attachés shall be appointed and compensated as follows:

There shall be one clerk, appointed by the judges of the court, who shall receive a monthly salary at a rate specified in Schedule 51.

The clerk may appoint:

(a) Eleven deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 16. Appointments to said position shall be at step C of said schedule.

(b) Seven deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 20.

(c) Six deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 26.

(d) Five deputy clerks grade IV, each of whom shall receive a monthly salary at a rate specified in Schedule 39.

(e) One chief deputy clerk who shall receive a monthly salary at a rate specified in Schedule 43.

SEC. 12. Section 72753 of said code is amended to read:

72753. In each municipal court district having two judges authorized by law the officers and attachés shall be appointed and compensated as follows:

There shall be one clerk, appointed by the judges of the court, who shall receive a monthly salary at a rate specified in Schedule 51.

The clerk may appoint:

(a) Eight deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 16. Appointments to said positions shall be at step C of said schedule.

(b) Five deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 20.

(c) Five deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 26.

(d) Three deputy clerks grade IV, each of whom shall receive a monthly salary at a rate specified in Schedule 39.

(e) One chief deputy clerk who shall receive a monthly salary at a rate specified in Schedule 43.

SEC. 13. Section 72754 of said code is amended to read:

72754. In each municipal court district having one judge authorized by law the officers and attachés shall be appointed and compensated as follows:

There shall be one clerk, appointed by the judge of the court, who shall receive a monthly salary at a rate specified in Schedule 47.

The clerk may appoint:

(a) Three deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 16. Appointments to said positions shall be at step C of said schedule.

(b) Two deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 20.

(c) Two deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 26.

(d) Two deputy clerks grade IV, each of whom shall receive a monthly salary at a rate specified in Schedule 39; provided, however, that one of such deputy clerks grade IV whose regular duties shall include the supervision of clerical personnel shall, for the duration of such assignment, receive compensation at the rate of the next higher numbered salary schedule which will increase his basic compensation by one step.

SEC. 14. Section 72756 of the Government Code is amended to read:

72756. Whenever reference to a numbered salary schedule is made in any section of this article, the following schedule of monthly salaries shall apply:

Schedule number	Step A	Step B	Step C	Step D	Step E
11	$288	$303	$319	$337	$355
12	295	311	328	346	365
13	303	319	337	355	375
14	311	328	346	365	385
15	319	337	355	375	395
16	328	346	365	385	406
17	337	355	375	395	417
18	346	365	385	406	428
19	355	375	395	417	440
20	365	385	406	428	452
21	375	395	417	440	464
22	385	406	428	452	476
23	395	417	440	464	489
24	406	428	452	476	502
25	417	440	464	489	516
26	428	452	476	502	530
27	440	464	489	516	545
28	452	476	502	530	560
29	464	489	516	545	575
30	476	502	530	560	591
31	489	516	545	575	608
32	502	530	560	591	624
33	516	545	575	608	641
34	530	560	591	624	659
35	545	575	608	641	677
36	560	591	624	659	696
37	575	608	641	677	715
38	591	624	659	696	735
39	608	641	677	715	755
40	624	659	696	735	776
41	641	677	715	755	797
42	659	696	735	776	819
43	677	715	755	797	842
44	696	735	776	819	865
45	715	755	797	842	889
46	735	776	819	865	914
47	755	797	842	889	940
48	776	819	865	914	966
49	797	842	889	940	992
50	819	865	914	966	1,020
51	842	889	940	992	1,048
52	865	914	966	1,020	1,077
53	889	940	992	1,048	1,107
54	914	966	1,020	1,077	1,138
55	940	992	1,048	1,107	1,170
56	966	1,020	1,077	1,138	1,203
57	992	1,048	1,107	1,170	1,236

Schedule number	Step A	Step B	Step C	Step D	Step E
58	1,020	1,077	1,138	1,203	1,271
59	1,048	1,107	1,170	1,236	1,306
60	1,077	1,138	1,203	1,271	1,343
61	1,107	1,170	1,236	1,306	1,380
62	1,138	1,203	1,271	1,343	1,419
63	1,170	1,236	1,306	1,380	1,458
64	1,203	1,271	1,343	1,419	1,499

SEC. 15. Section 72760 of said code is amended to read:

72760. Effective July 1, 1964, each respective salary schedule number attached to a position mentioned in Sections 72751 to 72754, inclusive, shall be increased by one number and the basic compensation of each such position shall become that specified for such higher schedule number in the salary schedule set forth in Section 72756.

SEC. 16. The provisions of this act shall become operative October 1, 1963.

CHAPTER 1020

An act to amend Section 32100.5 of the Health and Safety Code, relating to hospital districts.

[Approved by Governor June 20, 1963. Filed with Secretary of State June 21, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 32100.5 of the Health and Safety Code is amended to read:

32100.5. An election which shall be known as the hospital district general election, shall be held in each local hospital district on the third Tuesday in November or on the first Tuesday after the first Monday in November in each even-numbered year, as the board of directors shall determine, at which a successor shall be chosen to each officer whose term shall expire on the first Tuesday of January following such election. If the board of directors choose to hold such election on the first Tuesday after the first Monday in November, it shall so determine by resolution and notify the board of supervisors of the county in which the district, or the greater portion thereof, is located, on or before August 1st of such year. The board of supervisors shall thereupon order the hospital district general election consolidated with the statewide general election pursuant to Chapter 4 (commencing with Section 23300), Division 12 of the Elections Code.

The person receiving the highest number of votes for each office to be filled at such election shall be elected thereto. The term of office of each elective officer of the district elected, shall be four years, or until his successor is elected and has qualified.

CHAPTER 1021

An act to amend Section 27902 of the Vehicle Code, relating to vehicle equipment.

[Approved by Governor June 20, 1963. Filed with Secretary of State June 21, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 27902 of the Vehicle Code is amended to read:

27902. Section 27900 does not apply to any motor vehicle having an unladen weight of 6,000 pounds or less or to any vehicle towed by such motor vehicles, or to any motor vehicle operating under manufacturers, dealers, or transporters special plates, or to any motor vehicle operated by a passenger stage corporation subject to the jurisdiction of the Public Utilities Commission.

CHAPTER 1022

An act to amend Section 24755 of the Business and Professions Code, and to add Section 32214 to the Revenue and Taxation Code, relating to sale and taxation of alcoholic beverages.

[Approved by Governor June 20, 1963. Filed with Secretary of State June 21, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 24755 of the Business and Professions Code is amended to read:

24755. (a) No package of distilled spirits which bears the brand, trademark or name of the owner or person in control shall be sold at retail in this State for consumption off the license premises unless a minimum retail price for such package first shall have been filed with the department in accordance with the provisions of this section.

(b) A price for each of such packages shall be in a minimum retail price schedule setting forth with respect to each package the exact brand, trademark or name, capacity, and type of package, type of distilled spirits, age and proof, where stated on the label, and the minimum selling price at retail. The price for any such package may be filed separately and differently for the trading area of Southern California and the trading area of Northern California. The trading area of Southern California shall consist of the Counties of Santa Barbara, Ventura, Los Angeles, Orange, Riverside, San Bernardino, Imperial and San Diego. The Northern California trading area shall consist of the other counties of the State.

No more than one person shall file a schedule for the same package for the same trading area. Any person filing such schedule shall cause such schedule to be published in a manner which will result in each retailer affected by such schedule being advised of the contents of such schedule prior to the effective date thereof,

(c) Such schedule shall be filed by (1) the owner of the brand, if licensed in the State; (2) any licensee, other than a retailer, selling the brand and who is authorized in writing by the brand owner to file such schedule if the brand owner is not licensed in this State; (3) a manufacturer or rectifier licensed in this State and who bottles under the brand owned by a retailer; or (4) any licensee with the approval of the department, if the owner of the brand does not file or is unable to file a schedule or authorize a licensee other than a retailer to file such schedule.

(d) Schedules filed pursuant to this section may be amended, changed, or modified by filing such amendments, change, or modification with the department on or before the 15th day of any month to take effect on the first day of the second succeeding calendar month; except that prices filed for a brand, size, or type not included in a schedule in effect at the time such brand, size, or type is filed, and prices filed to meet the price of a competitive brand, may be filed on or before the 15th day of any month to take effect on the first day of the following month. For the purpose of this section, a competitive brand shall mean any brand of the same type of distilled spirits having a filed selling price at retail within one dollar ($1) per gallon of the brand for which a competitive price is filed.

No retailer shall sell any package of distilled spirits as a loss leader. "Loss leader," as used in this section, means a sale below cost as such cost is defined in Sections 17026 to 17029, inclusive, of this code, except that a sale below cost made under the provisions of Section 17050 of this code shall not be deemed a loss leader sale.

The department shall reject any price schedule which does not comply with this subdivision.

(e) No offsale licensee shall sell any package of distilled spirits at any price less than the effective filed price of such package unless written permission is granted by the department, for good cause shown and for reasons not inconsistent with this division.

(f) The provisions of this section shall not apply to:

(1) A closeout sale made in good faith and approved by the department when the following conditions exist: (i) the stock of distilled spirits sought to be closed out has been in this State, either in the possession of the vendor who sold it to the retailer or in the possession of the retailer who seeks to close out the brand, for a period of not less than six months; (ii)

the stock of distilled spirits to be closed out was not brought into this State for the purpose of offering it, or any part of it, at a closeout sale; (iii) at least 10 days prior to filing a request with the department for approval to sell the stock at a closeout sale, the retailer had offered to return the distilled spirits, at his original invoice cost, to both the vendors from whom he purchased them or to his successor and to the licensee who filed the minimum price schedule under the provisions of this section; (iv) such offer of return was not accepted.

At the place of any closeout sale and upon any package of distilled spirits to be so sold and in any advertisement in connection therewith, public notice shall be given of the sale as a closeout sale. Following the conclusion of a closeout sale, the retailer who conducted such sale shall not sell the same brands of distilled spirits for a period of at least one year.

(2) Sales made with the approval of the department when the distilled spirits or the package is damaged or deteriorated in quality and notice of this fact is given to the public at the place of any such sale and upon the package offered for sale and in any advertisement in connection therewith.

(3) Sales made by any officer acting under the orders of any court.

(4) Sales of distilled spirits for use in the manufacture or production of food products which are unfit for beverage use as provided in Section 23112, if such distilled spirits are sold to a person who holds a permit and identification number authorizing the filing of a claim for drawback of federal distilled spirits excise taxes under the Federal Non-Beverage Drawback Regulations.

(g) A minimum retail price schedule containing a minimum retail price for each package of any brand of beer may be filed under the provisions of this chapter by the person in control of such brand and when so filed, the provisions of this chapter and any rules adopted by the department for the administration of the provisions of this chapter shall apply to the sale of packages of such brand of beer.

SEC. 2. Section 32214 is added to the Revenue and Taxation Code, to read:

32214. If taxes have been paid on distilled spirits sold to a person who holds a permit and identification number authorizing the filing of a claim for drawback of federal distilled spirits excise taxes under the Federal Non-Beverage Drawback Regulations and the distilled spirits have been used in the manufacture of food products, the taxpayer may claim and shall be allowed credit with respect to the taxes in any report or return made under this part.

CHAPTER 1023

An act to add Section 31680.01 to the Government Code, relating to employment of retired county employees.

[Approved by Governor June 20, 1963. Filed with Secretary of State June 21, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 31680.01 is added to the Government Code, to read:

31680.01. As used in Section 31680 service rendered as a member of a governing board of a joint agency created by two or more counties, under the authority of Chapter 5 (commencing with Section 6500) of Division 7, Title 1 of this code, shall not be deemed service rendered a county or district, provided that the county from whose service the employee was retired is a party to the agreement creating the joint agency.

CHAPTER 1024

An act to amend Section 986.3 of the Military and Veterans Code, relating to veterans.

[Approved by Governor June 20, 1963. Filed with Secretary of State June 21, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 986.3 of the Military and Veterans Code is amended to read:

986.3. The department may acquire such farm or home from the owner thereof or may contract with a veteran for the construction of a dwelling house and other improvements for a farm or home, upon the terms agreed if:

(a) The department is satisfied of the desirability of the property submitted.

(b) The veteran has agreed with the department that he or members of his immediate family will actually reside on the property within 60 days from the date of purchase by the department, or if the residence on the property is not complete on the date of purchase, within 60 days after the residence is completed.

(c) The sum to be expended by the department pursuant to a contract for the construction of a dwelling house and other improvements, does not exceed the sum of fifteen thousand dollars ($15,000).

(d) Where the department is to contract with a veteran for the construction of a dwelling house and other buildings:

(1) The veteran is the owner in fee of the real property on which the dwelling house and other buildings are to be con-

structed and agrees to convey that property to the department without cost.

(2) The veteran has paid a reasonable fee set by the department to cover the cost of such preliminary service of the department as may be necessary to process the application.

(3) The veteran has filed with the department adequate plans and specifications for the improvements to be constructed upon said real property, together with a contract, executed by a contractor licensed by the State of California for the construction of said improvements in accordance with said plans and specifications within eight months after the acquisition of said real property by the department, and a bond executed by the contractor providing for compliance with the terms of said contract and for the payment of materialmen and labor furnishing material or labor on the job, executed by a surety company, authorized to do business in the State of California.

(4) The plans, specifications, contract and bond are approved by the department.

(5) The veteran has placed in escrow, all sums of money to be advanced by him where the cost is in excess of the maximum that may be expended by the department.

As used in this section "immediate family" includes only the following:

Spouse, children, either natural or adoptive; and the parents if they are dependent upon the veteran for 50 percent or more of their support.

CHAPTER 1025

An act to amend Section 33889 of the Health and Safety Code, and to amend Section 33626 of the Health and Safety Code, as added by Assembly Bill No. 1734, relating to community redevelopment.

[Approved by Governor June 20, 1963. Filed with Secretary of State June 21, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 33889 of the Health and Safety Code is amended to read:

33889. The legislative body of any community may abolish the redevelopment revolving fund whenever it finds that the purposes for which it was established have been accomplished.

The legislative body of any community may, with the consent of the agency, withdraw money from the redevelopment revolving fund whenever and to the extent that it finds that the amount of money therein exceeds the amount necessary to finance existing or planned purposes for which its expenditure is authorized by the provisions of this article. All money withdrawn from the fund by reason of its being reduced in size, or its abolition, and all money which, after abolition, would have

been required to be deposited or redeposited in the fund, shall be transferred to the general obligation bond redemption fund of the community or to the general fund of the community, as directed by the legislative body.

SEC. 2. Section 33626 of said code, as added by Assembly Bill No. 1734, is amended to read:

33626. The legislative body of any community may abolish the redevelopment revolving fund whenever it finds that the purposes for which it was established have been accomplished.

The legislative body of any community may, with the consent of the agency, withdraw money from the redevelopment revolving fund whenever and to the extent that it finds that the amount of money therein exceeds the amount necessary to finance existing or planned purposes for which its expenditure is authorized by the provisions of this article. All money withdrawn from the fund by reason of its being reduced in size, or its abolition, and all money which, after abolition, would have been required to be deposited or redeposited in the fund, shall be transferred to the general obligation bond redemption fund of the community or to the general fund of the community, as directed by the legislative body.

SEC. 3. Section 2 of this act becomes operative only if Assembly Bill No. 1734 is enacted by the Legislature at its 1963 Regular Session, and in such case at the same time as said bill takes effect, at which time Section 33889 of the Health and Safety Code, as amended by Section 1 of this act is repealed.

CHAPTER 1026

An act to add Section 23053.5 to the Business and Professions Code, relating to alcoholic beverages, and making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 25, 1963. Filed with Secretary of State June 25, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 23053.5 is added to the Business and Professions Code, to read:

23053.5. The department shall have the function of investigation of violations of Chapters 10, 11 and 15 of this division and rules of the department relating thereto. To the end that such provisions are more adequately and strictly enforced, funds for support of this program shall be derived as follows: in addition to fees otherwise provided for in this division, the following amounts shall be paid to the department by holders of the following types of licenses:

(a) Retail package offsale general license___ $24 per year
(b) Rectifier's license _____ $52 per year

(c) Distilled spirits wholesaler's license____ $52 per year
(d) Distilled spirits manufacturer's agent's license _____ $52 per year
(e) Distilled spirits manufacturer's license_ $52 per year
(f) Distilled spirits importer's general license _____ $52 per year

Payment of such amounts shall be made upon issuance or transfer of said types of licenses, and shall be made by the holders of said types of licenses at the time specified in this division for payment of annual renewal fees therefor.

The provisions of Section 23322 shall apply to the amounts to be paid under this section. The provisions of Section 25761 shall not apply to the amounts to be paid under this section, and such amounts shall be deposited directly in the General Fund in the State Treasury.

SEC. 2. There is appropriated out of the General Fund to the Department of Alcoholic Beverage Control the sum of two hundred eighty-three thousand dollars ($283,000), available to June 30, 1964, to carry out the provisions of this act.

SEC. 3. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Numerous offsale general licensees conduct their business in intentional violation of the law of the State. The Department of Alcoholic Beverage Control has insufficient investigative personnel at present to detect and discipline all such licensees.

Payment of the annual amounts for the licenses set out in Section 1 of this act are payable on or before June 30 of each year. Unless this act takes effect immediately such amounts would not be payable until June 30, 1964, and the enforcement program could not commence until after June 30, 1964.

CHAPTER 1027

An act to amend Sections 160.2, 160.6, 160.9, 1038, 1071, and 1079 of the Agricultural Code, relating to agricultural license fees and other fees, to take effect immediately, tax levy.

[Approved by Governor June 25, 1963. Filed with Secretary of State June 26, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 160.2 of the Agricultural Code is amended to read:

160.2. It is unlawful for any person to engage for hire in the business of pest control without first procuring from the director a license for each calendar year or portion thereof. Applications for such license shall be in the form prescribed

by the director, and shall state the name and address of the applicant and the type of pest control in which he intends to engage. The application, except as hereinafter provided, shall be accompanied by a fee of fifty dollars ($50). Each applicant shall further satisfy the director of his character, qualifications, responsibility, and good faith in seeking to carry on the business of pest control.

The director shall thereupon issue to such applicant a license entitling the applicant to conduct the business described in the application for the calendar year for which the license is issued, unless the license is sooner revoked or suspended. Such license may be renewed annually upon application to the director, accompanied by the proper fee, on or before the last day of January of the calendar year for which the license is issued. To any fee not paid when due, there shall accrue and be added a penalty of five dollars ($5).

A person not regularly engaged in the business of pest control and operating only in the vicinity of his own property and for the accommodation of his neighbors shall not be required to procure a license, but shall obtain a permit from the director, register with the commissioner as provided in Section 160.3, and be subject to all other provisions of the chapter. The determination of the director that a person is engaged in the business of pest control beyond the vicinity of his own property or for the accommodation of others than his neighbors shall be final.

The director may refuse to grant a license or renewal of license and may revoke or suspend any license, as the case may require, when, after a hearing as herein provided, he is satisfied that the applicant or licensee is not qualified to perform the type of pest control under the conditions and in the locality in which he intends to operate, or, that he has committed any of the following acts, each of which is declared to be a violation of this chapter:

(a) Making false or fraudulent claims, or misrepresenting the effects of materials or methods to be applied, or applying worthless or improper materials, or otherwise engaging in unfair practices;

(b) Operating in a faulty, careless or negligent manner;

(c) Refusing or neglecting to comply with the provisions of this chapter, or of rules and regulations issued hereunder, or of any lawful order of the commissioner;

(d) Refusing or neglecting to keep and maintain the records required by this chapter, or to make reports when and as required;

(e) Making false or fraudulent records or reports;

(f) Operating in any county without first having registered with the commissioner, as hereinafter provided;

(g) Operating equipment with incompetent or unqualified persons in charge thereof;

(h) Fraud or misrepresentation in making application for a license or for renewal of a license;

(i) Failure to comply with the provisions of Article 4 (commencing at Section 1080) of Chapter 7 of Division 5 of this code.

SEC. 2. Section 160.6 of said code is amended to read:

160.6. It is unlawful to operate any aircraft in the business of pest control unless the pilot operating the aircraft holds (a) a valid certificate of qualification issued by the director or (b) a valid apprentice certificate issued by the director. A fee of twenty-five dollars ($25) shall accompany each application for each such certificate.

Before a certificate of qualification may be issued, the applicant shall pass an examination to demonstrate to the director his ability to conduct pest control operations, and his knowledge of the nature and effect of materials used in pest control. Certificates of qualification issued to successful candidates shall disclose therein in which of three general classes of pest control operations, to wit: the use of herbicides and defoliants, the use of pesticides other than herbicides and defoliants (dust) and the use of pesticides other than herbicides and defoliants (liquid), the applicant is qualified and the holder of a certificate of qualification shall only be authorized to conduct those pest control operations in which he is found qualified.

No certificate of qualification shall be issued to any applicant, other than the holder of a valid apprentice certificate, who has not had in effect a valid certificate of qualification issued to him by the director within the previous two calendar years.

No certificate of qualification shall be issued to the holder of an apprentice certificate until he shall have served as an apprentice pursuant to a certificate issued under the provision of this chapter for one year and until he shall present to the director satisfactory documentary proof consisting of a certified statement by a licensed agricultural aircraft operator of his completion of not less than one hundred fifty (150) hours of operation of fixed-wing aircraft or fifty (50) hours of operation of non-fixed-wing aircraft within the past two calendar years in agricultural pest control activities.

In the case of applicants for apprentice certificate, the examination shall be designed to demonstrate the candidate's ability to conduct the specific pest control operations listed in his application. Successful candidates for apprentice certificates shall be authorized to conduct only the specific kinds of pest control operations for which they are found to be qualified and such operations shall be listed on their apprentice certificates.

The applicant for an apprentice certificate shall satisfy the director, through documentary evidence or other suitable information, that he will be employed by a person holding a license currently in effect and that he will be employed under the direct and personal supervision of a person holding a valid certificate of qualification. All certificates issued after the effective date of this section shall expire on the last day of the calendar year for which they were issued. Certificates

may be renewed upon application to the director, accompanied by a renewal fee of fifteen dollars ($15), within the calendar year next following the date of expiration.

The director may refuse to issue such certificate or renewal of certificate to any pilot, and may revoke or suspend the certificate of any pilot when, after a hearing, he is satisfied that the pilot is not qualified to conduct pest control operations or has violated any of the provisions of this chapter, or rules or regulations issued hereunder, or has failed or refused to comply with any lawful order of the commissioner or the director.

It is unlawful for the holder of an apprentice certificate to conduct pest control operations in accordance with the provisions of his certificate unless he is employed under the direct and personal supervision of a person holding a valid certificate of qualification.

In the event the holder of a valid certificate of qualification or a valid apprentice certificate shall be called to active duty as a member of the Armed Forces of the United States of America, the holder, upon the termination of such active duty, shall be entitled to renewal of such certificate, notwithstanding any other provisions of this section, upon application to the director and payment of the renewal fee; provided, that such holder shall not be entitled to renewal of a certificate of qualification until he shall have demonstrated to the director his ability to conduct pest control operations and his knowledge of the nature and effect of materials used in pest control.

SEC. 3. Section 160.9 of said code is amended to read:

160.9. Any moneys derived under the provisions of Sections 160.2 and 160.6 shall be paid into the State Treasury to the credit of the Department of Agriculture Fund. Money in the Department of Agriculture Fund derived under the provisions of this chapter and Article 2 (commencing with Section 1021) and Article 3 (commencing with Section 1061) of Chapter 7 of Division 5 of this code may be expended for the administration and enforcement of any or all of the provisions of this chapter and Article 2 and Article 3 of Chapter 7, of Division 5, notwithstanding any other provisions of law limiting the expenditure of any such money to the specific purposes or to the administration or enforcement of each of these chapters separately.

SEC. 4. Section 1038 of said code is amended to read:

1038. Upon any sale not exempt from the provisions of this article, of commercial fertilizer, the registered person selling the same shall pay fourteen cents ($0.14) per ton or fraction thereof, and upon such a sale of agricultural minerals, five cents ($0.05) per ton or fraction thereof, except where the agricultural mineral is sold to be used and is used in the manufacture of commercial fertilizer. A commercial fertilizers registrant selling agricultural minerals to an unregistered person in the original and properly labeled lots or packages of

an agricultural minerals registrant shall pay thereon the agricultural minerals tonnage tax required by this section. Each registered person shall keep accurate accounts of sales of commercial fertilizers and/or agricultural minerals, and such accounts shall be open at all times to inspection by the director. A statement of sales shall be rendered to the director quarterly within one calendar month after March 31st, June 30th, September 30th, and December 31st, of each year, and shall be accompanied by the amount of tonnage license tax required by this section. Any delinquency in making a statement and return, or any deficiency in any return, shall subject the registrant to the payment of a penalty of ten percent (10%) of the amount due.

Whenever a registered person shall have paid the tonnage license tax herein required, any person acting as his selling agent shall not be required to pay the tonnage license tax.

SEC. 5. Section 1071 of said code is amended to read:

1071. Every manufacturer of, importer of, or dealer in any economic poison, except dealers or agents selling economic poison which has been registered by the manufacturer or wholesaler thereof and persons selling raw material to manufacturers of economic poisons, before the same is offered for sale shall obtain a license from the department. The annual fee is one hundred dollars ($100), payable to the director. The payment of such fee shall permit the registrant to manufacture, import, or deal in 10 variously labeled economic poisons of varying name or composition, and for each such variety over 10 an additional fee of ten dollars ($10) shall be paid. Persons manufacturing economic poisons which do not exceed a total retail value of five hundred dollars ($500) per annum shall pay an annual fee of twenty-five dollars ($25) to the director. The payment of such fee shall permit the registrant to manufacture, import, or deal in two variously labeled economic poisons of varying name or composition, and for each such variety over two, an additional fee of ten dollars ($10) shall be paid. County, state, and federal officers or employees selling economic poison at cost shall not be required to pay the fee.

When any manufacturer, importer, or dealer in economic poisons has complied with this article and the rules and regulations provided for therein and applies for registration of economic poisons, and for a license, the director shall register each economic poison sought to be registered and issue a license to the applicant authorizing the manufacture and sale of such economic poison in the State. In the event the director finds that such registration cannot be permitted and the license cannot be issued, due to noncompliance with this article or the rules and regulations thereunder, he may after reasonable notice call a hearing for the purpose of determining whether the application shall be reconsidered or denied. All licenses and registrations expire on June 30th of each year and may be renewed after application in the manner provided for prior registration and licensing.

SEC. 6. Section 1079 of said code is amended to read:

1079. All money received by the director under the provisions of any article of this chapter shall be paid into the State Treasury to the credit of the Department of Agriculture Fund to be expended as provided in Section 160.9.

SEC. 7. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect. However, Sections 3, 4, 5 and 6 of this act shall not become operative until July 1, 1963 and Sections 1 and 2 of this act shall not become operative until January 1, 1964.

CHAPTER 1028

An act to amend Sections 23334, 23571, 23701c, 24271, 24302, 24422, 25551 and 25731 of, to add Section 24622 to, and to repeal Section 24492 of the Revenue and Taxation Code, relating to the taxation of banks, corporations, associations, and Massachusetts trusts, to take effect immediately.

[Approved by Governor June 26, 1963. Filed with Secretary of State June 26, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 23334 of the Revenue and Taxation Code is amended to read:

23334. No decree of dissolution shall be made and entered by any court, nor shall the county clerk of any county or the Secretary of State file any such decree, or file in the case of a credit union incorporated under the California Credit Union Law a certificate of election to dissolve or in the case of any other taxpayer any other document by which the term of existence of such taxpayer shall be reduced or terminated, nor shall the Secretary of State file any certificate of the surrender by a foreign corporation of its right to do intrastate business in this State unless the taxpayer obtains from the Franchise Tax Board and files with said court, county clerk or Secretary of State as the case may be, a certificate to the effect the Franchise Tax Board is satisfied from the available evidence that all taxes imposed by this chapter have been paid or are secured by bond, deposit or otherwise. Within 30 days after receiving a request for a certificate, the Franchise Tax Board shall either issue the certificate or notify the person requesting the certificate of the amount of tax that must be paid or the amount of bond, deposit or other security that must be furnished as a condition of issuing the certificate. The issuance of the certificate shall not relieve the taxpayer or any individual, bank, or corporation from liability for any taxes, penalties, or interest imposed by this part, nor shall the issuance of the certificate in the case of any credit union which revokes its election to wind up and dissolve, relieve such credit union of any taxes,

or interest that would have been imposed under this part had such election not been filed.

SEC. 2. Section 23571 of said code is amended to read:

23571. (a) Except for the purpose of amending the articles of incorporation to set forth a new name, the corporate powers, rights and privileges of a domestic taxpayer shall be suspended and shall not be exercised for any purpose or in any manner in this State:

(1) If any tax, penalty or interest, or any portion thereof, which is due and payable either at the time the return is required to be filed, or on or before the fifteenth day of the ninth month following the close of the income year, is not paid on or before 6 o'clock p.m. of the last day of the twelfth month after the close of the income year; or

(2) If any tax, penalty or interest, or any portion thereof, other than jeopardy or fraud assessments, due and payable upon notice and demand from the Franchise Tax Board, is not paid on or before 6 o'clock p.m. on the last day of the 11th month following the due date of said tax; or

(3) If any jeopardy or fraud assessment, or any interest or penalty thereon, is not paid within 40 days from the date such tax, penalty and interest are due and payable upon notice and demand from the Franchise Tax Board, unless the bond required by Section 25761a is filed to stay the collection of said tax, penalty and interest, and said tax, interest and penalty are paid within 60 days after notice by the Franchise Tax Board on the taxpayer's petition for reassessment.

(b) Any taxpayer which has been suspended under subsection (a), may be revived in the manner provided for by Sections 23305 and 23305a.

SEC. 3. Section 23701c of said code is amended to read:

23701c. Cemetery companies owned and operated exclusively for the benefit of their members; or which are not operated for profit; or any corporation chartered solely for burial purposes as a cemetery corporation and not permitted by its charter to engage in any business not necessarily incident to that purpose, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

SEC. 4. Section 24271 of said code is amended to read:

24271. (a) Except as otherwise provided in this part, gross income means all income from whatever source derived, including (but not limited to) the following items:

(1) Compensation for services, including fees, commissions, and similar items;

(2) Gross income derived from business;

(3) Gains derived from dealings in property;

(4) Interest;

(5) Rents;

(6) Royalties;

(7) Dividends;

(8) Annuities;

(9) Income from life insurance and endowment contracts;

(10) Income from discharge of indebtedness;

(11) Distributive share of partnership in gross income (determined in accordance with the provisions of Part 10 (commencing with Section 17001) of this division;

(12) Income from an interest in an estate or trust (determined in accordance with the provisions of Part 10 (commencing with Section 17001) of this division.

SEC. 5. Section 24302 of said code is amended to read:

24302. Amounts received other than amounts paid by reason of the death of the insured under life insurance, endowment or annuity contracts, either during the term or at maturity or upon surrender of the contract, equal to the total amount of premiums paid thereon. In the case of a transfer for a valuable consideration by assignment or otherwise, of a life insurance, endowment or annuity contract or any interest therein, only the actual value of such consideration and the amount of the premiums and other sums subsequently paid by the transferee shall be excluded from gross income under Section 24305 or this section. The preceding sentence shall not apply in the case of such a transfer if such contract or interest therein has a basis for determining gain or loss in the hands of a transferee determined in whole or in part by reference to such basis of such contract or interest therein in the hands of the transferor or to a corporation in which the insured is a shareholder or officer.

SEC. 6. Section 24422 of said code is amended to read:

24422. No deduction shall be allowed for—

(a) Any amount paid out for new buildings or for permanent improvements or betterments made to increase the value of any property or estate. This subsection shall not apply to—

(1) Expenditures for the development of mines or deposits deductible under Section 24836;

(2) Soil and water conservation expenditures deductible under Section 24369;

(3) Expenditures for farmers for fertilizer, etc., deductible under Section 24377; or

(4) Research and experimental expenditures deductible under Sections 24365 to 24368, inclusive.

(b) Any amount expended in restoring property or in making good the exhaustion thereof for which an allowance is or has been made.

SEC. 7. Section 25551 of said code is amended to read:

25551. (a) Except as provided in subsection (b), in the case of corporations subject to the tax imposed by Article 2 of Chapter 2, or the tax imposed by Chapter 3, if the tax amounts to more than one hundred dollars ($100), one hundred dollars ($100) or one-half of the amount of tax disclosed by the return, whichever is greater, shall be due and payable as a first installment of the tax on or before the 15th day of the third month following the close of the income year.

If the tax as disclosed by the return does not amount to more than one hundred dollars ($100), the entire amount of the tax shall be due and payable on or before the 15th day of the third month following the close of the income year.

(b) In the case of co-operative associations described in Section 24404, the entire amount of tax shall be due and payable on or before the 15th day of the 9th month following the close of the income year.

SEC. 8. Section 25731 of said code is amended to read:

25731. If any taxpayer fails or neglects to file a return, or files a false or fraudulent return with intent to evade tax, the Franchise Tax Board, at any time, may require a return, or a supplementary return, under oath, or may make an estimate of the net income from any available information, and may propose to assess the amount of tax, interest and penalties due. All the provisions of this part relative to delinquent taxes shall be applicable to the tax, interest and penalties computed hereunder.

SEC. 9. Section 24622 is added to said code, to read:

24622. If a share of stock, acquired by an individual pursuant to his exercise of a restricted stock option (as defined in Section 17534, of the Personal Income Tax Law), is disposed of by him within two years from the date of the granting of the option or within six months after the transfer of such share to him, then any deduction from the income of his employer corporation for the income year in which such exercise occurred attributable to such disposition, shall be treated as a deduction from income in the income year of such employer corporation in which such disposition occurred.

SEC. 10. Section 24492 of said code is repealed:

SEC. 11. This act provides for a tax levy within the meaning of Article IV of the Constitution, and shall go into effect immediately.

CHAPTER 1029

An act to validate the organization, boundaries, acts, proceedings and bonds of public bodies, as herein defined, and to provide limitations of time within which actions may be commenced in connection therewith, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 26, 1963. Filed with Secretary of State June 26, 1963.]

The people of the State of California do enact as follows:

SECTION 1. The following terms shall have the following meanings herein:

(a) The term "public body" means counties, cities and counties, cities, and the following districts, authorities, agencies, boards, commissions and other entities:

Agencies, boards, commissions or entities constituted or provided for under or pursuant to Chapter 5 (commencing with Section 6500), Division 7, Title 1 of the Government Code.
Air pollution control districts
Airport districts
Assessment districts
Bridge and highway districts
California water districts
Cemetery districts
Citrous pest control districts
City maintenance districts
Community service districts
Conservancy districts
County boards of education
County fire protection districts
County maintenance districts
County power pumping districts
County sanitation districts
County sewerage and water districts
County water agencies
County water authorities
County water districts
County waterworks districts
Drainage districts
Fire protection districts
Flood control and water conservation districts
Flood control districts
Garbage and refuse disposal districts
Garbage disposal districts
Harbor districts
Harbor improvement districts
Highway districts
Highway lighting districts
Horticultural protection districts
Horticultural development districts
Housing authorities
Improvement districts of municipal improvement districts
Irrigation district distribution districts
Irrigation district improvement districts
Irrigation districts
Joint harbor improvement districts
Joint highway districts
Joint municipal sewage disposal districts
Junior college districts
Levee districts
Library districts
Local health districts
Local hospital districts
Metropolitan water districts
Mosquito abatement districts
Municipal improvement districts

Municipal improvement assessment districts
Municipal port districts
Municipal sewer districts
Municipal utility districts
Municipal water district improvement districts
Municipal water districts of any kind
Parking authorities
Parking districts
Park, recreation and parkway districts
Permanent road divisions
Pest abatement districts
Port districts
Public cemetery districts
Public utility districts
Rapid transit districts
Reclamation districts
Recreational harbor districts
Recreation and park districts
Recreation, park and parkway districts
Redevelopment agencies
Regional park districts
Resort improvement districts
River port districts
Road districts
Sanitary districts
Sanitary districts annexed areas
School districts of any kind or class
Separation of grade districts
Sewer maintenance districts
Soil conservation districts
Special transit service districts
Storm water districts
Transit districts
Unified air pollution control districts
Unified port districts
Urban renewal agencies
Vehicle parking districts
Veterans' memorial districts
Water agencies
Water authorities
Water conservation districts
Water districts
Water replenishment districts
Water storage districts
Weed abatement districts
Zones of flood control districts
Zones of flood control and water conservation districts
Zones of county water agencies
Zones of county water authorities

The term "public body" and the plural thereof, as used in this act, shall include only those entities which are specifically enumerated in this section.

(b) The term "bonds" means all instruments evidencing an indebtedness of a public body incurred or to be incurred for any public purpose, and all instruments evidencing the borrowing of money in anticipation of taxes, revenues or other income of such body, and all instruments payable from revenues or special funds of such public bodies, and all instruments funding or refunding any thereof or any indebtedness.

SEC. 2. All public bodies heretofore organized or existing under, or under color of, any law are hereby declared to have been legally organized and to be legally functioning as such public body. Every such public body shall have all the rights, powers, and privileges, and be subject to all the duties and obligations of such a public body regularly formed pursuant to law.

SEC. 3. The boundaries of every public body as heretofore established, defined, or recorded, or as heretofore actually shown on maps or plats used by the assessor, are hereby confirmed, validated, and declared legally established.

SEC. 4. All acts and proceedings heretofore taken by any public body under any law, or under color of any law, for the annexation or inclusion of territory into any such public body or for the annexation of any such public body to any other such public body or for the withdrawal or exclusion of territory from any such public body are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of such public body and of any person, public officer, board or agency heretofore done or taken upon the question of the annexation or inclusion or of the withdrawal or exclusion of such territory.

SEC. 5. All acts and proceedings heretofore taken by or on behalf of any public body under any law, or under color of any law, for the authorization, issuance, sale, or exchange of bonds of any such public body for any public purpose are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of such public body and of any person, public officer, board or agency heretofore done or taken upon the question of the authorization, issuance, sale, or exchange of such bonds.

All bonds of any public body heretofore issued shall be, in the form and manner in which issued and delivered, the legal, valid and binding obligations of the public body. All such bonds heretofore authorized to be issued and hereafter issued and delivered in accordance with such authorization shall be the legal, valid and binding obligations of the public body. Whenever an election has heretofore been called for the purpose of submitting to the voters of any public body the question of issuing bonds for any public purpose, such bonds, if hereafter authorized by the required vote and in accordance with the proceedings heretofore taken, and issued and delivered in accordance with such authorization, shall be the legal, valid and binding obligations of the public body.

SEC. 6. (a) The foregoing provisions of this act shall operate to supply such legislative authorization as may be necessary to validate any such acts and proceedings heretofore taken which the Legislature could have supplied or provided for in the law under which such acts or proceedings were taken.

(b) The foregoing provisions of this act shall be limited to the validation of acts and proceedings to the extent to which the same can be effectuated under the State and Federal Constitutions.

(c) The foregoing provisions of this act shall not operate to confirm, validate, or legalize any act, proceeding, or other matter the legality of which is being contested or inquired into in any legal proceeding now pending and undetermined or which may be pending or undetermined during the period of 30 days from and after the effective date of this act, and shall not operate to confirm, validate, or legalize any act, proceeding, or other matter which has heretofore been determined in any legal proceeding to be illegal, void or ineffective.

(d) This act shall not operate to confirm, validate, or legalize a contract between any district and the United States.

SEC. 7. Any action or proceeding contesting the validity of any action or proceeding heretofore taken under any law, or under color of any law, for the formation, organization or incorporation of any public body, or for any annexation thereto, exclusion therefrom or other change of boundaries thereof, or for the authorization, issuance, sale or exchange of bonds thereof upon any ground involving an alleged defect or illegality not effectively validated by the prior provisions of this act and not otherwise barred by any statute of limitations or by laches must be commenced within six months of the effective date of this act; otherwise each and all of said matters shall be held to be valid and in every respect legal and incontestable. This section shall not extend the period in which any action may be brought beyond the period in which it would be barred by any presently existing valid statute of limitations.

SEC. 8. Nothing contained in this act shall be construed to render the creation of any city or district, or any change in the boundaries of any city or district, effective for purposes of assessment or taxation unless the statement, together with the map or plat, required to be filed under Sections 54900 to 54904, inclusive, of the Government Code, is filed within the time and substantially in the manner required by said sections.

SEC. 9. As used in this act, the word "now" means the date this act takes effect; the word "heretofore" means any time prior to such effective date; and the word "hereafter" means any time subsequent to such effective date.

SEC. 10. This act may be cited as the Second Validating Act of 1963.

SEC. 11. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The peace, health and safety of the citizens of the State require the orderly and unhampered functioning of public bodies and such functioning depends upon the validity of the organization, boundaries, and governing officers or boards of public bodies, and upon the validity of acts, proceedings, and bonds of public bodies, and it is therefore imperative and essential that such matters be validated so that during the period before this act would otherwise become effective:

(1) Citizens of the State can be afforded the protection of the police, fire, safety, sanitary, and other regulations and protections provided by public bodies;

(2) Public works and construction by public bodies can be commenced and continued without delay or restriction, to provide sewers, waterworks, schools, storm drains, flood control works, sanitary facilities, electric and other utility works, firehouses and facilities, police stations and facilities, streets, hospitals, and other works, structures, improvements, and facilities required for the public peace, health and safety, and immediately needed to provide for an increased population;

(3) Public bodies can issue and sell bonds heretofore authorized for the purpose of providing sewers, waterworks, schools, storm drains, flood control works, sanitary facilities, electric and other utility works, firehouses and facilities, police stations and facilities, streets, hospitals, and other works, structures, improvements, and facilities required for the public peace, health and safety and immediately needed to provide for an increased population, which cannot now be sold because of defects in the organization or boundaries of some public body or in the authorization of such bonds, which defects will be cured by this act.

CHAPTER 1030

An act making an appropriation to the Department of Public Health in augmentation of the appropriation in Item 400 of the Budget Act of 1962 (Chapter 1, Statutes of 1962 Second Extraordinary Session), to take effect immediately.

[Approved by Governor June 26, 1963. Filed with Secretary of State June 26, 1963.]

The people of the State of California do enact as follows:

SECTION 1. The sum of one million ten thousand dollars ($1,010,000) is hereby appropriated from the General Fund to the Department of Public Health in augmentation of, and for

expenditure by the department pursuant to, the provisions of Item 400 of the Budget Act of 1962 (Chapter 1, Statutes of 1962 Second Extraordinary Session); provided that no portion of the funds appropriated by this act shall be expended for statewide diagnosis.

SEC. 2. This act makes an appropriation for the usual current expenses of the State within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 1031

An act making an appropriation for reimbursement to counties for maintenance of juvenile homes and camps.

[Approved by Governor June 26, 1963. Filed with Secretary of State June 26, 1963.]

The people of the State of California do enact as follows:

SECTION 1. The sum of one hundred thousand dollars ($100,000) is appropriated from the General Fund to the Department of the Youth Authority for expenditure during the 1962-63 fiscal year for reimbursements to counties for maintenance of juvenile homes and camps to be expended in accordance with the provisions of Sections 880 through 890 of the Welfare and Institutions Code in augmentation of Item 421, Budget Act of 1962.

SEC. 2. This act makes an appropriation for the usual current expenses of the State within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 1032

An act to appropriate money for reimbursement to local agencies for the establishment and operation of mental health services, to take effect immediately.

[Approved by Governor June 26, 1963. Filed with Secretary of State June 26, 1963.]

The people of the State of California do enact as follows:

SECTION 1. The sum of four hundred twenty-five thousand dollars ($425,000) is appropriated from the General Fund to the Department of Mental Hygiene in augmentation of Item 399, Budget Act of 1962, for expenditure during the 1962-63 fiscal year for reimbursement to local agencies for the establishment and operation of mental health services to be expended in accordance with the provisions of Division 8 of the Welfare and Institutions Code.

SEC. 2. This act makes an appropriation for the usual current expenses of the State within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 1033

An act to add Sections 13188, 13193, and 13194 to, to amend Sections 759, 760, 761, 762, 763, 764, 765, 766, 1537, 7151, 8504, 8553, 8704, 8802, 11751, 11753, 11904, 12902, 13132, 13172, 13175, 13176, 13187.1, 13197, 13197.6, 13278, 13279, 13286, 13287, 13289, 13293, 13294, 13295, 13296, 13297, 13298, 13299, 13300, and 16625 of, to amend the heading of Chapter 2 (commencing with Section 13101) of Division 10 of, to amend the heading of Article 1 (commencing with Section 13101) of Chapter 2 of Division 10 of, to amend and renumber Section 13148 of, to repeal Sections 13131, 13134, 13135, 13136, 13137, 13138, 13139, 13140, 13141, 13142, 13143, 13144, 13145, 13147, 13152, 13153, 13154, 13155, 13156, 13179, 13180, 13253, 13280, 13282, 13330, and 13514 of, and to repeal Sections 13188, 13193, and 13194 (all as added by Chapter 1787 of the Statutes of 1961) of, the Education Code, and to amend Section 3 of Chapter 848 of the Statutes of 1961, relating to the public schools, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 26, 1963. Filed with Secretary of State June 26, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 759 of the Education Code is amended to read:

759. All county superintendents of schools in counties within class one (1) shall receive an annual salary of nineteen thousand nine hundred fifty dollars ($19,950). Of that amount, the State shall pay twelve thousand nine hundred fifty dollars ($12,950), and the county shall pay seven thousand dollars ($7,000). Each such county superintendent of schools shall possess a valid certification document of one of the following kinds:

(a) A general administrative credential or a life diploma based thereon.

(b) A standard administration credential.

SEC. 2. Section 760 of said code is amended to read:

760. All county superintendents of schools in counties within class two (2) shall receive an annual salary of seventeen thousand three hundred twenty-five dollars ($17,325). Of that amount, the State shall pay eleven thousand three hundred twenty-five dollars ($11,325), and the county shall pay six thousand dollars ($6,000). Each such county superintendent of schools shall possess a valid certification document of one of the following kinds:

(a) A general administrative credential or a life diploma based thereon.

(b) A standard administration credential.

SEC. 3. Section 761 of said code is amended to read:

761. All county superintendents of schools in counties within class three (3) shall receive an annual salary of fifteen thousand two hundred twenty-five dollars ($15,225). Of that amount, the State shall pay ten thousand two hundred twenty-five dollars ($10,225), and the county shall pay five thousand dollars ($5,000). Each such county superintendent of schools shall possess a valid certification document of one of the following kinds:

(a) A general administrative credential or a life diploma based thereon.

(b) A standard administration credential.

SEC. 4. Section 762 of said code is amended to read:

762. All county superintendents of schools in counties within class four (4) shall receive an annual salary of twelve thousand six hundred dollars ($12,600). Of that amount, the State shall pay eight thousand six hundred dollars ($8,600), and the county shall pay four thousand dollars ($4,000). Each such county superintendent of schools shall possess a valid certification document of one of the following kinds:

(a) An elementary or secondary administrative credential or a life diploma based thereon.

(b) A general administrative credential or a life diploma based thereon.

(c) A standard administration credential.

(d) A standard supervision credential authorizing the holder to act as principal.

SEC. 5. Section 763 of said code is amended to read:

763. All county superintendents of schools in counties within class five (5) shall receive an annual salary of nine thousand nine hundred seventy-five dollars ($9,975). Of that amount, the State shall pay six thousand nine hundred seventy-five dollars ($6,975), and the county shall pay three thousand dollars ($3,000). Each such county superintendent of schools shall possess a valid certification document of one of the following kinds:

(a) An elementary or secondary administrative credential or a life diploma based thereon.

(b) A general administrative credential or a life diploma based thereon.

(c) A standard administration credential.

(d) A standard supervision credential authorizing the holder to act as a principal.

SEC. 6. Section 764 of said code is amended to read:

764. All county superintendents of schools in counties within class six (6) shall receive an annual salary of eight thousand four hundred dollars ($8,400). Of that amount, the State shall pay six thousand four hundred dollars ($6,400), and the county shall pay two thousand dollars ($2,000). Each such county superintendent of schools shall possess a valid certification document of one of the following kinds:

(a) An elementary or secondary administrative credential or a life diploma based thereon.

(b) A general administrative credential or a life diploma based thereon.

(c) A standard administration credential.

(d) A standard supervision credential authorizing the holder to act as a principal.

SEC. 7. Section 765 of said code is amended to read:

765. All county superintendents of schools in counties within class seven (7) shall receive an annual salary of six thousand three hundred dollars ($6,300). Of that amount, the State shall pay five thousand three hundred dollars ($5,300), and the county shall pay one thousand dollars ($1,000). Each such county superintendent of schools shall possess a valid certification document of one of the following kinds:

(a) An elementary or secondary administrative credential or a life diploma based thereon.

(b) A general administrative credential or a life diploma based thereon.

(c) A standard administration credential.

(d) A standard supervision credential authorizing the holder to act as a principal.

SEC. 8. Section 766 of said code is amended to read:

766. All county superintendents of schools in counties within class eight (8) shall receive an annual salary of four thousand two hundred dollars ($4,200). Of that amount, the State shall pay three thousand two hundred dollars ($3,200), and the county shall pay one thousand dollars ($1,000). Each such county superintendent of schools shall possess a valid certification document of one of the following kinds:

(a) An elementary or secondary teaching credential or a life diploma based thereon.

(b) A standard teaching credential with a specialization in elementary teaching, secondary teaching, or junior college teaching.

SEC. 9. Section 1537 of said code is amended to read:

1537. No person shall be eligible to hold a position as city superintendent, district superintendent, deputy superintendent, associate superintendent, or assistant superintendent of schools unless he is the holder of both a valid school administration credential and a valid teacher's credential, but any person employed as a deputy, associate, or assistant superintendent in a purely clerical capacity shall not be required to hold any credential.

SEC. 10. Section 7151 of said code is amended to read:

7151. The school trustees of a district maintaining its own library may appoint as librarian of the district library a person who holds a credential authorizing service as a librarian.

SEC. 11. Section 8504 of said code is amended to read:

8504. The services described in Section 8503 shall, except in advisory services in school business administration activities, clerical, accounting, and stenographic services, be performed

by persons who hold a valid credential, or a life diploma based thereon, of one or more of the following types issued by the State Board of Education:

(a) Elementary or secondary school administration credential.

(b) A standard administration credential.

(c) A standard supervision credential with authorization appropriate to the area of service.

(d) Elementary or secondary school supervision credential.

(e) Special subject supervision credential.

(f) A credential which authorizes service similar to that authorized by one or more of the foregoing types of credentials.

Any person who is, and continuously since September 7, 1955, has been, employed in the office of a county superintendent of schools and is performing any of the services described in Sections 8503 and 8504 may continue to perform such services without possessing the credential otherwise required as long as he remains continuously employed in his position.

SEC. 12. Section 8553 of said code is amended to read:

8553. The services described in Sections 8551 and 8552 shall, except clerical, accounting, and stenographic services, be performed by persons who hold a valid credential, or a life diploma based thereon, of one or more of the following types issued by the State Board of Education:

(a) Elementary school administration credential.

(b) Elementary school supervision credential.

(c) Special subject supervision credential.

(d) Standard administration credential.

(e) Standard supervision credential with authorization to act as a principal or with a specialization in elementary supervision.

(f) A credential which authorizes service similar to that authorized by one or more of the foregoing types of credentials.

Any person who is, and continuously since September 7, 1955, has been, employed in the office of a county superintendent of schools and is performing the services described in this article may continue to perform such services without possessing the credential otherwise required as long as he remains continuously employed in his position.

SEC. 13. Section 8704 of said code is amended to read:

8704. The services described in Sections 8701, 8702, and 8703 shall be performed by persons who hold a valid health and development credential, or life diploma based thereon, or a standard designated services credential with a specialization in health issued by the State Board of Education; provided, however, that a psychologist may be employed to perform psychological services or may perform psychological services under contract if he is the holder of a valid school psychologist credential issued by the State Board of Education.

SEC. 14. Section 8802 of said code is amended to read:

8802. (a) The county superintendent of schools of any county in which no county library is maintained may, with the approval of the county board of education, establish and maintain a county school library service for such elementary school districts of the county as elect to participate in such service.

(b) Upon the governing board of any elementary school district electing to participate in such service, the governing board of the district shall enter into an agreement with the county superintendent of schools, and the provisions of Sections 7201 to 7254, inclusive, of this code shall control and be applicable in the same manner as they apply to a school district which agrees to make the school library a branch of the county library.

(c) The county superintendent of schools shall have the same powers, duties, responsibilities, and jurisdiction with respect to the furnishing and performance of library services to elementary school districts which have elected to participate in the county school library service as may be exercised by a county library with respect to school district libraries which are branches thereof.

(d) Whenever the county superintendent of schools establishes and maintains a county school library service pursuant to subdivision (a) of this section, he shall employ a librarian holding a valid credential authorizing service as a school librarian issued by the State Board of Education or having possession of a certificate showing completion of a year's work in an accredited library school.

(e) The county superintendents of schools of two or more contiguous counties which have established county school library services under the provisions of this section may co-operate with each other and to that end may enter into agreements with each other, and may do any and all things necessary or convenient to aid and co-operate in carrying out the provisions of this section.

SEC. 15. Section 11751 of said code is amended to read:

11751. The governing board of any school district may appoint a supervisor of health, or supervisors of health, consisting of a physician, psychologist, psychiatrist, nurse, oculist, dentist, optometrist, otologist, podiatrist, audiologist, dental hygienist, or any one or more of such persons. In case of the appointment of more than one supervisor of health the supervisors may, in the discretion of the board, all be chosen from any one of the classes designated.

The board may also appoint such number of school audiometrists, physical therapists, and occupational therapists as it may deem necessary to work under the direction of the supervisor of health and may provide for the compensation of such employees. No money set aside for the payment of teachers' salaries or for library purposes shall be used for this purpose.

SEC. 16. Section 11753 of said code is amended to read:

11753. No physician, psychiatrist, oculist, dentist, dental hygienist, optometrist, otologist, podiatrist, audiologist, or nurse not employed in such capacity by the State Department of Public Health, shall be, nor shall any other person be, employed or permitted to supervise the health and physical development of pupils unless he holds a health and development credential or a standard designated services credential with a specialization in health.

Any psychologist employed pursuant to Sections 11751 to 11754, inclusive, shall hold a school psychologist credential, a general pupil personnel services credential authorizing service as a school psychologist, or a standard designated services credential with a specialization in pupil personnel services authorizing service as a psychologist issued by the State Board of Education.

SEC. 17. Section 11904 of said code is amended to read:

11904. A person employed by a school district in a position requiring certification qualifications who holds a valid special credential authorizing the teaching of lipreading or the teaching of the deaf and hard-of-hearing or a standard teaching credential with specialized preparation in the area of the deaf and hard-of-hearing or in the area of the speech and hearing handicapped may, subject to Section 11902, test the hearing of pupils of the district through the use of an audiometer for the purpose of detecting pupils with impaired hearing.

SEC. 18. Section 12902 of said code is amended to read:

12902. "Education position" or "position requiring certification qualifications" includes every type of service for which certification qualifications are established by or pursuant to Sections 12901 to 12913, inclusive, Sections 13055 and 13056, Sections 13101 to 13112, inclusive, Sections 13117 to 13186, inclusive, Section 13251, and Article 1.5 (commencing with Section 13187) of Chapter 2 of this division.

SEC. 19. The heading of Chapter 2 (commencing with Section 13101) of Division 10 of said code is amended to read:

CHAPTER 2. CERTIFICATED EMPLOYEES

SEC. 20. The heading of Article 1 (commencing with Section 13101) of Chapter 2 of Division 10 of said code is amended to read:

Article 1. Licensing of Certificated Personnel

SEC. 21. Section 13131 of said code is repealed.

SEC. 22. Section 13132 of said code is amended to read:

13132. Except as otherwise provided in this section, for any standard teaching credential with a specialization in elementary teaching, secondary teaching, or junior college teaching, there is required (1) the passing of a satisfactory examination

on the provisions and principles of the Constitution of the United States in a junior college, college, or university of recognized merit in the State or, as to a provisional credential, given by a county superintendent of schools in the State or (2) the satisfactory completion of two semester units of work on the provisions and principles of the Constitution of the United States in any university or college from which undergraduate credits earned are accepted by the State Board of Education as meeting undergraduate credit requirements for credentials issued by the State Board of Education or in any publicly supported junior college in the State.

Such a credential issued as a provisional credential or on the basis of a partial fulfillment of requirements as provided in Section 13197.3 valid only to the credential expiration date in the year next following the date of first issuance of the credential, may be granted without the passing of this examination or the completion of this work; provided, that credentials so granted shall be issued to remain valid for not less than 12 calendar months.

SEC. 23. Section 13134 of said code is repealed.

SEC. 24. Section 13135 of said code is repealed.

SEC. 25. Section 13136 of said code is repealed.

SEC. 26. Section 13137 of said code is repealed.

SEC. 27. Section 13138 of said code is repealed.

SEC. 28. Section 13139 of said code is repealed.

SEC. 29. Section 13140 of said code is repealed.

SEC. 30. Section 13141 of said code is repealed.

SEC. 31. Section 13142 of said code is repealed.

SEC. 32. Section 13143 of said code is repealed.

SEC. 33. Section 13144 of said code is repealed.

SEC. 34. Section 13145 of said code is repealed.

SEC. 35. Section 13147 of said code is repealed.

SEC. 36. Section 13148 of said code is amended and renumbered to read:

13331.1. Service under a credential authorizing service only as a teacher of basic military drill in high school and junior college cadet companies established under Chapter 1 of Part 2 of Division 2 of the Military and Veterans Code shall not be included in computing the service required as a prerequisite to attainment of, or eligibility to, classification as a permanent employee of a school district.

SEC. 37. Section 13152 of said code is repealed.

SEC. 38. Section 13153 of said code is repealed.

SEC. 39. Section 13154 of said code is repealed.

SEC. 40. Section 13155 of said code is repealed.

SEC. 41. Section 13156 of said code is repealed.

SEC. 42. Section 13172 of said code is amended to read:

13172. Except as specified in this section, a certification document may not be renewed after it has expired. An expired credential, other than a provisional credential and other than a credential issued on a postponement of requirements basis, that was valid at any time between January 1, 1959, and Janu-

ary 1, 1964, may be renewed if the applicant meets the law operative on December 31, 1963, and regulations in effect, on that date.

SEC. 43. Section 13175 of said code is amended to read:

13175. The State Board of Education shall establish the expiration date for each kind of certification document, other than a certification document valid for the life of the holder, except as otherwise provided in Sections 13170 to 13180, inclusive.

SEC. 44. Section 13176 of said code is amended to read:

13176. The State Board of Education shall establish the period during which each kind of certification document valid for less than the life of the holder may be renewed.

SEC. 45. Section 13179 of said code is repealed.

SEC. 46. Section 13180 of said code is repealed.

SEC. 47. Section 13188, as added by Chapter 1787 of the Statutes of 1961, is repealed.

SEC. 48. Section 13193, as added by Chapter 1787 of the Statutes of 1961, is repealed.

SEC. 49. Section 13194, as added by Chapter 1787 of the Statutes of 1961, is repealed.

SEC. 50. Section 13187.1 of said code is amended to read:

13187.1. (a) A credential which was issued prior to January 1, 1964, shall remain in force as long as it is valid and continues to be valid under the law and regulations of the State Board of Education. The State Board of Education may not by regulation invalidate such valid credential unless it issues to the holder thereof, in substitution, a new credential authorized by other sections of this article of an equivalent type and which new credential is no less restrictive than the credential for which it is substituted with respect to the kind of service which it authorizes, and the grades or classes of types of schools in which it authorizes service.

(b) Subject to the provisions of Section 13172, credentials issued prior to January 1, 1964, and credentials issued under subdivision (c) of this section may be renewed in accordance with regulations of the State Board of Education in effect on December 31, 1963.

(c) The State Board of Education shall issue the appropriate credentials authorized by the law operative, and the rules and regulations of the State Board of Education in effect, on December 31, 1963, to any person who, on November 1, 1963, has completed two years of college and on November 1, 1963, is enrolled in a teacher education curriculum at any institution of higher learning approved by the California State Board of Education after such person has completed the requirements for such credential and if the person is otherwise qualified for such credential under the law and rules and regulations. No credential shall be issued under this subdivision after September 15, 1966. However, no person shall be denied the issuance of a prior regular credential if he holds a provisional credential authorized by Sections 13117, 13118, and

13119, and on November 1, 1963, is working toward meeting the requirements of that prior regular credential in accordance with State Board of Education regulations; nor shall any person who, on November 1, 1963, is working toward meeting the requirements of a prior regular credential and on that date is enrolled in a teacher education program, be denied the issuance of a prior credential if because of active military service since September 15, 1961, he was prevented from meeting the educational requirements of a prior regular credential.

SEC. 51. Section 13188 is added to Article 1.5 of Chapter 2 of Division 10 of said code, to read:

13188. As used in this article:

(a) "Academic subject matter area" refers exclusively to the natural sciences, the social sciences (other than education and educational methodology), the humanities, mathematics, and the fine arts. The State Board of Education may consider a given subject matter major, whatever its title, to be an academic subject matter major if it finds that at the specific institution the required courses and the content of such courses within the major are equivalent to those of an academic subject matter major.

(b) "Specialized preparation" means training and education designed to prepare a person to serve as a librarian and to teach librarianship or to serve as a teacher of exceptional children, as designated on the credential.

SEC. 52. Section 13193 is added to Article 1.5 of Chapter 2 of Division 10 of said code, to read:

13193. The minimum requirements for the standard teaching credential with a specialization in junior college teaching shall be five years, or its equivalent, of college or university education in an institution approved by the State Board of Education, including each of the following:

(a) A major and a minor, one of which shall be in an academic subject matter area and one of which may be in a nonacademic subject matter area, normally taught in the public schools. Specialized preparation may be substituted for the minor. The State Board of Education may promulgate regulations defining the terms "major" and "minor."

(b) A master's degree, a doctor's degree, or other postgraduate degree approved by the State Board of Education requiring not less than five years of college or university education secured in an institution approved by the State Board of Education.

(c) Such additional requirements as may be prescribed by the State Board of Education. In promulgating any additional requirements, the State Board of Education is hereby directed to emphasize academic and subject matter preparation, professional preparation, and student teaching or its equivalent. Additional requirements shall be prescribed by the board on or before July 1, 1963.

A holder of such credential shall not be authorized to teach below grade 13 any courses except as specified in subdivision

(d) of Section 13194 unless he has completed a course of practice teaching or its equivalent as prescribed by the State Board of Education.

SEC. 53. Section 13194 is added to Article 1.5 of Chapter 2 of Division 10 of said code, to read:

13194. The standard teaching credential with a specialization in junior college teaching shall authorize the holder to:

(a) Teach, in grades 11 to 14, inclusive, any courses in which the holder has completed a subject matter major.

(b) Teach, in classes organized primarily for adults, any courses.

(c) Teach, in grades 13 and 14, courses in which the holder has completed a subject matter minor if the governing board of the district specifically authorizes the holder to teach such courses by resolution adopted by the governing board. The authorization may be renewed annually by resolution of the governing board.

(d) Teach, in grades 7 to 14, inclusive, courses in which the holder has completed a specialized area of preparation.

(e) Serve as a librarian in an elementary school, junior high school, high school, or junior college if the holder has completed the specialized preparation area of librarianship.

SEC. 54. Section 13197 of said code is amended to read:

13197. The minimum requirements for the standard designated services credential with a specialization in health shall be five (5) years, or its equivalent, of college or university education, or five (5) years of professional preparation approved by the State Board of Education, and which education or preparation shall include each of the following:

(a) A baccalaureate or higher degree from an institution approved by the State Board of Education.

(b) Such additional requirements as may be prescribed by the State Board of Education. Such additional requirements shall be prescribed by the board on or before July 1, 1963.

The standard designated services credential with a specialization in health shall authorize the holder to perform, at all grade levels, the health service approved by the State Board of Education as designated on the credential. Services as an audiometrist, occupational therapist, or physical therapist are not deemed health services within the meaning of this section.

SEC. 55. Section 13197.6 of said code is amended to read:

13197.6. Except as otherwise specifically required in this article, the State Board of Education shall establish regulations pertaining to the expiration dates of initially issued and renewed credentials. Any standard teaching credential with a specialization in elementary teaching, secondary teaching, or junior college teaching, standard designated subjects teaching credential, standard designated services credential with a specialization in pupil personnel services, standard designated services credential with a specialization in health, standard supervision credential, and standard administration credential issued pursuant to this article shall be valid during the life of

the person to whom issued unless sooner suspended or revoked, except that a credential issued pursuant to Section 13197.3 shall be valid for the period designated by the State Board of Education in accordance with such section.

A standard teaching credential with a specialization in junior college teaching issued pursuant to Chapter 1787, Statutes of 1961, shall be valid during the life of the person to whom issued unless sooner suspended or revoked.

SEC. 56. Section 13253 of said code is repealed.

SEC. 57. Section 13278 of said code is amended to read:

13278. No person shall be employed as principal of a school of six or more teachers, including the principal, unless he is the holder of a valid teacher's credential and either a valid school administration credential of the same grade as the school to be administered or a valid standard supervision credential authorizing service as a principal of a school of the same grade as the school to be administered.

SEC. 58. Section 13279 of said code is amended to read:

13279. A substitute principal holding a valid teacher's credential of the same grade as the school to be administered may be employed without meeting the requirements of Section 13278 to meet an emergency for not more than five months of any school year.

SEC. 59. Section 13280 of said code is repealed.

SEC. 60. Section 13282 of said code is repealed.

SEC. 61. Section 13286 of said code is amended to read:

13286. The qualifications of a home teacher shall be a valid kindergarten-primary, elementary, or secondary credential to teach in the schools of the State or a standard teaching credential with a specialization in elementary teaching, secondary teaching, or junior college teaching and special fitness to perform the duties of a home teacher.

SEC. 62. Section 13287 of said code is amended to read:

13287. The qualifications of a home instructor of physically handicapped pupils shall be a valid kindergarten-primary, elementary, or secondary credential to teach in the schools of the State or a standard teaching credential with a specialization in elementary teaching, secondary teaching, or junior college teaching or a credential authorizing the teaching of exceptional children in an area of specialized preparation.

SEC. 63. Section 13289 of said code is amended to read:

13289. No person shall be employed as a librarian for more than two hours a day in any elementary or secondary school, unless he holds a valid credential of proper grade authorizing service as a librarian, or a valid elementary school teacher's credential if he is employed to serve in an elementary school, or a secondary school credential if he is employed to serve in a secondary school, or a valid standard teaching credential with

a specialization in elementary teaching, secondary teaching, or junior college teaching if he has completed the specialized area of librarianship.

SEC. 64. Section 13293 of said code is amended to read:

13293. The qualifications of supervisors of health shall be as provided in Sections 13294 to 13299, inclusive.

SEC. 65. Section 13294 of said code is amended to read:

13294. The qualifications for a physician shall be a valid certificate to practice medicine and surgery issued by the State and either a health and development credential or a standard designated services credential with a specialization in health.

SEC. 66. Section 13295 of said code is amended to read:

13295. The qualifications for an oculist shall be a valid certificate to practice medicine and surgery in this State and either a health and development credential or a standard designated services credential with a specialization in health.

SEC. 67. Section 13296 of said code is amended to read:

13296. The qualifications for a dentist or a dental hygienist shall be a valid certificate issued by the Board of Dental Examiners of California and either a health and development credential or a standard designated services credential with a specialization in health.

SEC. 68. Section 13297 of said code is amended to read:

13297. The qualifications for a nurse shall be a valid certificate of registration issued by the Board of Nurse Examiners of the State of California or the California Board of Nursing Education and Nurse Registration and either a health and development credential or a standard designated services credential with a specialization in health.

SEC. 69. Section 13298 of said code is amended to read:

13298. The qualifications for an optometrist shall be a valid certificate issued by the State Board of Optometry and either a health and development credential or a standard designated services credential with a specialization in health.

SEC. 70. Section 13299 of said code is amended to read:

13299. The qualifications for an otologist shall be a valid physician's and surgeon's certificate and either a health and development credential or a standard designated services credential with a specialization in health.

SEC. 71. Section 13300 of said code is amended to read:

13300. The qualifications for an audiometrist working under the direction of health services personnel pursuant to Section 11751 shall be a valid certificate or license issued by, or valid registration with, the California state agency authorized by law to issue the certificate or license, or to effect the registration, required for performance of the service.

SEC. 72. Section 13330 of said code is repealed.

SEC. 73. Section 13514 of said code is repealed.

SEC. 74. Section 16625 of said code is amended to read:

16625. The said governing board shall employ in a child care center only such persons who hold permits issued by the

Superintendent of Public Instruction. Any person holding a regular kindergarten-primary, general elementary credential, or a standard teaching credential with a specialization in elementary teaching issued by the State Board of Education is deemed to hold a regular child care center permit that will authorize care and guidance of children or supervision of a child care program. The filing with the county superintendent of schools of a regulation of a governing board or a public health agency requiring a physical examination of persons employed in child care centers shall be deemed to be the issuance of a valid permit except for persons employed in positions pertaining to the care and guidance of children or supervision of a child care program. Each person employed by the governing board of a school district for a position requiring a permit shall, not later than 95 days after the date fixed by the governing board of the district for the commencement of his service, file with the county superintendent of schools a valid permit issued on or before said date, authorizing him to serve in the position for which he was employed, and must, not later than 95 days after the renewal thereof, file the renewed permit in the same manner.

SEC. 75. Regulations adopted by the State Board of Education pursuant to, or implementing, Sections 13188, 13193, or 13194 within Article 1.5 of Chapter 2 of Division 10 of the Education Code, which sections were in effect on the date of adoption of such regulations but are repealed by any act enacted at the 1963 Regular Session of the Legislature, shall be deemed to be regulations implementing Sections 13188, 13193, and 13194 added by this act, subject, however, to amendment and repeal by the board.

SEC. 76. Section 3 of Chapter 848 of the Statutes of 1961 is amended to read:

Sec. 3. This act shall become operative on January 1, 1964. The State Board of Education, however, shall have the authority to adopt regulations specified in this act or in Article 1.5 (commencing with Section 13187) of Chapter 2 of Division 10 of the Education Code on or after the effective date, as distinguished from the operative date, of this act.

SEC. 77. This act, except Section 76 thereof, shall be operative on January 1, 1964. The State Board of Education, however, shall have the authority to adopt regulations specified in this act on or after the effective date, as distinguished from the operative date, of this act.

SEC. 78. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The Licensing of Certificated Personnel Law of 1961 (Chapter 848, Statutes of 1961) becomes operative July 1, 1963. In order to allow adequate time for institutions of higher educa-

tion to revise their teacher education curriculums to conform to regulations authorized by the aforesaid law, and in order that students may adjust their programs accordingly, it is necessary that this act, which postpones the operative date of the aforesaid 1961 statute to January 1, 1964, take effect immediately.

CHAPTER 1034

An act to amend Section 6913.1 of the Education Code, relating to increase in maximum tax rate for the education of mentally retarded minors, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 26, 1963. Filed with Secretary of State June 27, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 6913.1 of the Education Code is amended to read:

6913.1. The maximum rate of school district tax for any school year is hereby increased by such amount as the governing board of any school district required to provide educational services or facilities for mentally retarded minors who come within the provisions of Section 6902 may include in its budget for the purposes of meeting the mandatory provisions of Section 6902 and the optional provisions of Section 6903 if such services are provided, and the board of supervisors shall levy a school district tax necessary to raise such amount. No amounts shall be included in its budget for the purchase or improvement of school sites or the construction of school buildings.

If at the end of any school year there remains an unencumbered balance derived from the revenue of the increase in the tax rate hereby provided, such balance shall be used exclusively in the following fiscal year for the expenditures of the school district during that fiscal year required or authorized for the education of mentally retarded minors who come within the provisions of Section 6902 and Section 6903.

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that school districts which are levying the maximum rate of school district tax allowed by law may obtain funds to provide for the education of mentally retarded minors in the 1963-1964 fiscal year, and thus continue to provide the essential function of educating such children without interruption because of lack of funds, it is necessary that this act take effect immediately.

CHAPTER 1035

An act to add Article 11 (commencing with Section 51485) to Chapter 2 of Part 7 of Division 15 of the Water Code, relating to expenses of forming a reclamation district, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 26, 1963. Filed with Secretary of State June 27, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Article 11 (commencing with Section 51485) is added to Chapter 2 of Part 7 of Division 15 of the Water Code, to read:

Article 11. Assessments for Formation Expenses

51485. The district may levy an assessment to pay the expenses of its formation, or to pay any warrants issued therefor in an amount not exceeding 2 percent of the assessed valuation of the land within the district as shown on the last equalized county assessment roll, and such expenses shall be considered incidental expenses of the district.

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

It is necessary to form districts having the power to operate and maintain existing levees and other reclamation works in the State in areas where no district or agency exists to operate and maintain such existing works; there is no practicable method by which the costs and expenses of forming such a district can be equitably distributed among the landowners in the area affected, with the result that such districts are not formed and said existing levees and works are not being properly maintained.

CHAPTER 1036

An act to amend Sections 2566 and 25442 of the Education Code, relating to junior college districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 26, 1963. Filed with Secretary of State June 27, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 2566 of the Education Code is amended to read:

2566. The ballots used in any election held for the purpose of forming a new junior college district at the election in each

district shall contain the words "Junior college district—Yes" and "Junior college district—No." The ballots used in any election held pursuant to Education Code Sections 2588 and 2589 for the purpose of separating the junior college from an existing unified or high school district and thus forming a new junior college district shall contain the words "In favor of separation of the junior college from the unified district (or high school district) to form a separate junior college district—Yes" and "In favor of separation of the junior college from the unified district (or high school district) to form a separate junior college district—No." Each elector voting at the election shall make a cross with a pencil, ink, or a rubber stamp after the answer he desires to give.

SEC. 2. Section 25442 of said code is amended to read:

25442. The ballots used in any election held for the purpose of forming a new junior college district at the election in each district shall contain the words "Junior college district—Yes" and "Junior college district—No." The ballots used in any election held pursuant to Sections 25452 and 25452.5 for the purpose of separating the junior college from an existing unified or high school district and thus forming a new junior college district with boundaries identical to those of the existing unified or high school district shall contain the words "In favor of separation of the junior college from the unified district (or high school district) to form a separate junior college district—Yes" and "In favor of separation of the junior college from the unified district (or high school district) to form a separate junior college district—No." Each elector voting at the election shall make a cross with a pencil, ink, or a rubber stamp after the answer he desires to give.

SEC. 3. Section 2 of this act shall become operative at the same time as Chapter 100 of the Statutes of 1963 takes effect; at which time Section 2566 of the Education Code as amended by Section 1 of this act is repealed.

SEC. 4. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the ballots used at elections to form junior college districts held prior to July 1, 1963, will be worded so as to inform the voters more accurately of the nature of the election when the election is on the question of the separation of a junior college from a unified district or a high school district and the formation of a new district, and in order to provide for the orderly reorganization of districts maintaining junior colleges in accordance with law, it is necessary that this act take effect immediately.

CHAPTER 1037

An act to add Section 43559 to the Water Code, relating to water storage districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 26, 1963. Filed with Secretary of State June 27, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 43559 is added to the Water Code, to read:

43559. Upon the expiration of the 30-day period any sale and conveyance made pursuant to the board's award of bid or any sale and conveyance made pursuant to the exercise of a preference by the owner of contiguous land pursuant to this article shall be conclusively presumed to be valid as being in compliance with the provisions of this article.

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to facilitate the acquisition of property needed for projects of water storage districts and to facilitate the disposal of excess property acquired by water storage districts, and to accelerate the completion of such projects and thereby the provision of water needed for agriculture, domestic and other purposes in such districts, it is essential that this act go into immediate effect.

CHAPTER 1038

An act to amend Section 4228 of the Business and Professions Code, relating to dangerous drug container labels.

[Approved by Governor June 28, 1963. Filed with Secretary of State June 29, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 4228 of the Business and Professions Code is amended to read:

4228. No person shall dispense any dangerous drug upon prescription except in a container correctly labeled with the date, the name and address and prescription number of the furnisher, the names of the prescriber and of the person for whom prescribed, and the directions for use given by the prescriber.

Physicians, dentists, podiatrists and veterinarians may personally furnish any dangerous drug prescribed by them to the patient for whom prescribed, provided that such drug is properly labeled to show all information required in this section except the prescription number.

CHAPTER 1039

An act to amend Section 13119 of the Education Code, relating to the licensing of school personnel.

[Approved by Governor June 28, 1963 Filed with Secretary of State June 29, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 13119 of the Education Code is amended to read:

13119. The regulations adopted by the State Board of Education prescribing the minimum standards for a provisional credential shall give consideration to training and to teaching experience in California schools.

It is not the intent of the Legislature to exclude from credentials applicants who have given satisfactory service in the schools of this State in positions requiring certification qualifications.

The provisional credential of any holder thereof shall be renewed upon the completion by the holder of 12 units acceptable for graduate credit in any college or university in California accredited by the Western Association of Schools and Colleges if such units are also acceptable for credit toward his master's degree, or 12 units of required education courses, or any combination of both totaling 12 units, without the holder of the provisional credential being required to meet any other educational requirements.

CHAPTER 1040

An act to amend Sections 23108, 23956, 23987, 24012, 24040, 24071, 24200, 24206, 24870, 25608, and 25759 of, and to repeal Sections 23321.5, 24050, 25201, 25209, 25210, 25211 and 25212 of, the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor June 28, 1963 Filed with Secretary of State June 29, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 23108 of the Business and Professions Code is amended to read:

23108. Licensees of other states may purchase bulk brandy produced in this State and stored in an internal revenue bonded warehouse in this State or may purchase warehouse receipts covering the brandy for storage in this State, and may subsequently, without obtaining any license therefor in this State, export the brandy in accordance with the rules prescribed by the department. The sale of brandy or warehouse receipts pursuant to this section by a taxpayer to the purchas-

ing licensee of another state shall be exempt from the excise tax levied by Section 32201 of the Revenue and Taxation Code.

SEC. 2. Section 23321.5 of said code is repealed.

SEC. 3. Section 23956 of said code is amended to read:

23956. Any applicant for an offsale general license shall, at the time of filing application for such license, accompany the application with the minimum license fee required or such larger fee as the applicant elects.

SEC. 4. Section 23987 of said code is amended to read:

23987. Upon the receipt by the department of an original application for any license or an application for transfer of any license, written notice thereof, which shall consist of a copy of the application, shall immediately be mailed by the department to the sheriff, chief of police, and district attorney of the locality in which the premises are situated, to the board of supervisors of the county in which the premises are situated, if in unincorporated territory, and to the city council or other governing body of the city in which the premises are situated, if within an incorporated area.

No license shall be issued or transferred by the department until at least 30 days after the mailing by the department of the notices required by this section.

SEC. 5. Section 24012 of said code is amended to read:

24012. Upon receipt by the department of a petition for a license in proper form, such petition shall be set for hearing.

SEC. 6. Section 24040 of said code is amended to read:

24040. Each license shall be issued to a specific person and, except in the case of licenses authorizing the sale of alcoholic beverages on trains or boats, or the service of alcoholic beverages on airplanes shall be issued for a specific location, the principal address of which shall be indicated on the license. Except as provided in Section 24044, any license issued for a specific location shall be placed in use at that location within 30 days of the date of issuance.

SEC. 7. Section 24050 of said code is repealed.

SEC. 8. Section 24071 of said code is amended to read:

24071. The license of one spouse may be transferred to the other spouse when the application for transfer is made prior to the entry of a final decree of divorce, and the license of a decedent, minor ward, incompetent person, conservatee, bankrupt person, person for whose estate a receiver is appointed, or assignor for the benefit of creditors may be transferred by or to the surviving partners of a deceased licensee, the executor, administrator, conservator or guardian of an estate of a licensee, the surviving spouse of a deceased licensee in the event that the deceased licensee leaves no estate to be administered, the trustee of a bankrupt estate of a licensee, a receiver of the estate of a licensee, or an assignee for the benefit of creditors of a licensee with the consent of the assignor, or a license may be transferred between partners where no new partner is being licensed, or a license may be transferred between corporations

whose outstanding shares of stock are owned by the same natural persons, or a licensee may transfer upon compliance with Section 24073 any license to a corporation whose entire stock is owned by the licensee, or his spouse, and the fee for transfer of each license is twenty-seven dollars and fifty cents ($27.50). The regular transfer fee provided in Section 24072 shall be due and payable upon the subsequent transfer of 25 percent of the stock in a corporation to which a license has been transferred by a licensee or his spouse pursuant to this section. In no case shall a fee be charged for the transfer of an importer's license. If the annual fee for a license is less than twenty-seven dollars and fifty cents ($27.50), the fee to be charged for the transfer thereof in any case shall be in the amount of the fee payable upon an original application as provided under Sections 23320 and 23322 of this division.

SEC. 9. Section 24200 of said code is amended to read:

24200. The following are the grounds which constitute a basis for the suspension or the revocation of licenses:

(a) When the continuance of a license would be contrary to public welfare or morals; but proceedings under this section upon this ground are not a limitation upon the department's authority to proceed under Article XX, Section 22, of the Constitution.

(b) Except as limited by Chapters 11 and 12 of this division, the violation or the causing or the permitting of a violation by a licensee of this division, any rules of the board adopted pursuant to Part 14 of Division 2 of the Revenue and Taxation Code or any rules of the department adopted pursuant to the provisions of this division, or any other penal provisions of law of this State prohibiting or regulating the sale, exposing for sale, use, possession, giving away, adulteration, dilution, misbranding, or mislabeling of alcoholic beverages or intoxicating liquors.

(c) The misrepresentation of a material fact by any applicant in obtaining any license.

(d) The plea, verdict, or judgment of guilty to any public offense involving moral turpitude or under any federal law prohibiting or regulating the sale, exposing for sale, use, possession, or giving away of alcoholic beverages or intoxicating liquors or prohibiting the refilling or reuse of distilled spirits containers charged against the licensee.

(e) Failure to correct objectionable conditions constituting a nuisance within a reasonable time after receipt of notice to make such corrections from a district attorney under Section 373a of the Penal Code.

SEC. 10. Section 24206 of said code is amended to read:

24206. All accusations against licensees for violating or permitting the violation of Sections 24750 to 24757, inclusive, 24850 to 24881, inclusive, 25000 to 25010, inclusive, 25170 to 25238, inclusive, 25600, 25602, 25607, 25609, 25610, 25611, 25612, 25615, 25630, 25631, 25632, 25633, 25656, 25658, 25663, 25664, or 25665, shall be filed within one year.

SEC. 11. Section 24870 of said code is amended to read:

24870. Basic selling and resale price shall include customs duties, if any, federal and California excise taxes, California marketing order assessments, if applicable, plus any other legal charge not required to be shown in the price schedule except California sales tax. Selling price and resale price shall be the basic selling price or the basic resale price, respectively, less discounts, plus broken case charges contained in the applicable price schedule or fair trade contract.

The selling price contained in any schedule of selling prices shall be the same as the resale price contained in an effective fair trade contract and schedule of resale prices filed by the same licensee.

If bulk wine is bottled for a buyer under the label of the bottler, the selling price to the buyer of the wine so bottled shall be the same as the selling price contained in an applicable schedule of selling prices posted by the bottler for wine carrying that label.

Not more than three different prices to retailers or to consumers shall be permitted for the same brand of bottled wine differing only in the secondary brand name, the form of label, such as color scheme, number of stars, or in some other way not pertaining to the class or type, vintage date, if shown on the label, or special or gift package.

SEC. 12. Section 25201 of said code is repealed.

SEC. 13. Section 25209 of said code is repealed

SEC. 14. Section 25210 of said code is repealed.

SEC. 15. Section 25211 of said code is repealed.

SEC. 16. Section 25212 of said code is repealed.

SEC. 17. Section 25608 of said code is amended to read:

25608. Every person who consumes, sells, gives, or delivers to any other person, any alcoholic beverage in or on any public schoolhouse or any of the grounds thereof is guilty of a misdemeanor. Any person convicted of a violation of this section shall, in addition to the penalty imposed for the misdemeanor, be barred from having or receiving any privilege of the use of public school property which is accorded by Chapter 4 (commencing with Section 16551) of Division 12 of the Education Code.

SEC. 18. Section 25759 of said code is amended to read:

25759. When license fees are required to be paid on or by specified dates, they shall be deemed to have been paid at the time they are filed with or paid to the department or other proper official or, if sent by mail, on the date shown by the United States postmark on the envelope containing the payment.

CHAPTER 1041

An act to amend Sections 19615 and 19663.5 of the Education Code, relating to state school building aid.

[Approved by Governor June 28, 1963. Filed with Secretary of State June 29, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 19615 of the Education Code is amended to read:

19615. If, on or before June 30th of any fiscal year, the governing board of any school district files a request with the State Controller for a deferment of the annual repayment due from such district during the next succeeding fiscal year for an apportionment received by the district pursuant to this chapter or Chapter 8, commencing with Section 19401, of this division, and it is determined, in accordance with this section, that the district is entitled to a deferment of all or part of such annual repayment, the deferment shall be made in accordance with such determination. The request for deferment, having once been filed with the State Controller, shall remain in effect each ensuing year, and the State Controller shall continue to compute and allow the deferment in accordance with this section each year, until such time as the governing board of the school district files a written request with the State Controller to discontinue the deferment.

As used in the preceding paragraph, "any school district" means a district which is liable for the repayment of the principal amount of apportionments made to the district under the provisions of Chapter 8, commencing with Section 19401, of this division and which has received a conditional apportionment under this chapter.

The portion of the annual repayment to be deferred under this section shall be determined as follows:

There shall be computed the amount required to be raised by taxes on property within the district, during the fiscal year in which the annual repayment is to be deducted pursuant to Sections 19436 and 19611, for the payment of principal and interest on (a) any bonded indebtedness incurred for school purposes prior to the first conditional apportionment to the school district under this chapter, (b) any bonded indebtedness which was incurred as a condition to any apportionment under this chapter, and (c) any bonded indebtedness incurred, the proceeds of which were required to be contributed for the purposes for which an apportionment was made under this chapter (Sections 19551 to 19689, inclusive). To this amount shall be added the amount required during such fiscal year, for the annual repayment of school building apportionments under

Chapter 8, commencing with Section 19401, of this division and under this chapter. The total of these amounts shall constitute the "basic tax amount."

If the applicant district is a unified district, the amount to be deferred shall be separately considered for each grade level thereof. For this purpose, the basic tax amount shall only include the amounts specified in the preceding paragraph required to be raised for the repayment of principal and interest on bonded indebtedness which was incurred for, or as a condition to receiving an apportionment for, or required by the board to be contributed for the purposes of, the grade level being considered, plus those amounts required for the annual repayment of apportionments made under Chapter 8, commencing with Section 19401, of Division 14 of this chapter for such grade level. It is hereby declared that this paragraph is not intended as a change in the present law but rather as a declaration of existing law.

There shall be computed the amount which would be produced by a tax of forty-five cents ($0.45) on each one hundred dollars ($100) of assessed valuation of the district during such year, to be known as the "45-cent tax amount." The amount of the annual repayment to be deferred during the fiscal year in which the annual repayment is due shall be the amount, if any, by which the basic tax amount exceeds the 45-cent tax amount. The amount deferred shall be added to the annual repayment for the next succeeding fiscal year.

On or before the last day of July of each fiscal year, the State Controller shall request the Director of Finance to, and the Director of Finance shall, determine and certify to the State Controller the amount of bonded debt service included in the "basic tax amount." On or before the third Monday in August of each fiscal year, the State Controller shall request the county auditor of each county to, and the county auditor of each county shall, determine and certify to the State Controller the current assessed valuation of property within each district which has filed a request for a deferment under this section.

Before the date on which the board of supervisors makes the levy of taxes for county purposes, the State Controller shall make the deferment determination required by this section for each district requesting a deferment, and, for each district which is entitled to a deferment, shall notify, in writing, the board of supervisors of the county, the governing board of the district, the county auditor, and the county superintendent of schools having jurisdiction over the district of the amount of the repayment of the district which is to be deferred under this section.

For the purposes of this section the "annual repayment" means the amount of the annual repayment of the district due in a fiscal year as determined pursuant to Section 19433 and

Section 19604, plus the then unpaid deferred amount of any annual repayment due in any previous fiscal years. Any repayments by a district of a deferred amount shall be first applied to loans granted under Chapter 8, commencing with Section 19401, of this division.

Notwithstanding any other provision of this chapter, if, at the end of the 30-year period provided in Section 19439 or Section 19614, as the case may be, there are any deferred amounts due in any previous fiscal year remaining unpaid, repayments shall continue to be made in the manner provided by this section during each fiscal year thereafter until the amounts are paid, or for an additional period of 10 years, whichever first occurs. At the expiration of the additional 10-year period the unpaid portion of the deferred amounts shall be canceled on the books of the State Controller, and the provisions of Section 19439 or Section 19614, as the case may be, shall thereupon become applicable thereto and the board shall execute a conveyance to the district as provided in Section 19440 or Section 19616, whichever is applicable.

SEC. 2. Section 19663.5 of said code is amended to read:

19663.5. If a unified school district, after the effective date of this section, applies for and is granted an apportionment under this chapter on the basis of grade levels as defined in Section 19553.1, all unpaid balances of prior apportionments made to the district, subject to the provisions of Section 19663, shall be added to the balances of the apportionments made on the basis of the provisions of Section 19553.1. In such cases, no further computations or repayments under Sections 19601, 19602, 19603, 19604, and 19615 shall be made with respect to the prior apportionments alone, but such computations and repayments shall thenceforth be based solely upon the combined apportionments, and shall be made as provided in Sections 19601.1, 19602, 19603, 19604, and 19615.

CHAPTER 1042

An act to amend Section 7 of the American River Flood Control District Act (Chapter 808 of the Statutes of 1927), relating to the compensation of the trustees for the American River Flood Control District.

[Approved by Governor June 28, 1963. Filed with Secretary of State June 29, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 7 of the American River Flood Control District Act (Chapter 808, Statutes of 1927) is amended to read:

Sec. 7. Each trustee shall receive the sum of forty dollars ($40) for attendance at each meeting of the board of trustees;

provided, however, that no trustee shall receive pay for more than one meeting in any calendar month. No trustee shall receive any other compensation by reason of being a trustee of the district, except that each trustee shall receive necessary expenses incurred by him in the performance of his duties. Said board of trustees shall elect one of their own number president. They shall establish and maintain an office within the district for the transaction of the business thereof, at which office all books, records, and papers of the district must be kept and be open to public inspection at all reasonable times. They shall hold regular meetings at such office, at such times as they shall by resolution prescribe. Special meetings may be held at such times and places and in such manner as may be provided by rules and regulations adopted by the board of trustees.

CHAPTER 1043

An act to add Sections 10660 and 10801 to the Fish and Game Code, relating to fish refuges.

[Approved by Governor June 28, 1963. Filed with Secretary of State June 29, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 10660 is added to the Fish and Game Code, to read:

10660. (a) In Area A of the Pacific Grove Marine Gardens Fish Refuge fish, other than mollusks and crustaceans, may be taken under the authority of a sport fishing license as authorized by this code.

(b) In Area B of the Pacific Grove Marine Gardens Fish Refuge fish may be taken as provided in subdivision (a), and abalone and sea urchin may be taken as provided by the commission. The commission may close Area B to the taking of abalone or sea urchin for a specified time when in its opinion there is a depletion of sea urchin or abalone which would endanger the balance of marine life in Area B.

(c) Notwithstanding any other provision of this section, holders of scientific collectors' permits issued by the commission, or students working under their direction, may take marine life for scientific purposes.

(d) In both Area A and Area B sardines, mackerel, anchovies, squid and herring may be taken by ring net, lampara net or bait net as authorized by this code.

SEC. 2. Section 10801 is added to said code, to read:

10801. The following constitutes the Pacific Grove Marine Gardens Fish Refuge:

All that area within the following boundaries as they existed April 1, 1963, not within the Hopkins Marine Life Refuge: Beginning at the point of intersection of the southeasterly corporate limit line of the City of Pacific Grove produced, and the line of mean high tide of the Bay of Monterey; thence northwesterly along said line of mean high tide to the intersection with the westerly corporate limit line of said City (Asilomar Avenue produced); then N. 19° 22′ E. along said westerly corporate limit line produced, to the point in the Bay of Monterey where the depth of water in said bay is sixty (60) feet measured from the level of mean low tide; thence southeasterly along the line in said bay which line is at a constant depth of sixty (60) feet measured from the level of mean low tide, to the intersection with the southeasterly corporate limit line of said city produced; thence S. 58° 58′ W. along said southeasterly corporate limit line produced, to the point of beginning.

Area A is described as follows:

Beginning at the intersection of the southeasterly corporate limit line of the City of Pacific Grove (produced) and the line of mean high tide of the Bay of Monterey; thence northwesterly along said line of mean high tide to the intersection with the easterly line of 17th Street (produced), thence N. 19° 23′ 45″ E. along said easterly line of 17th Street (produced), to the point in the Bay of Monterey where the depth of water in said bay is sixty (60) feet measured from the level of mean low tide; thence southwesterly along the line in said bay which line is at a constant depth of sixty (60) feet measured from the level of mean low tide, to the intersection with the southeasterly corporate limit line of said City (produced); thence S. 58° 58′ W. along said southeasterly corporate limit line (produced), to the point of beginning.

Area B is described as follows:

Beginning at the intersection of the easterly line of 17th Street in Pacific Grove (produced) and the line of mean high tide of the Bay of Monterey; thence northwesterly along said line of mean high tide to the intersection with the westerly corporate limit line of said city (Asilomar Ave. produced); thence N. 19° 22′ E. along said westerly corporate limit line (produced), to the point in the Bay of Monterey where the depth of water in said bay is sixty (60) feet measured from the level of mean low tide; thence southeasterly along the line in said bay which line is at a constant depth of sixty (60) feet measured from the level of mean low tide to the intersection with the easterly line of 17th Street (produced); thence S. 19° 23′ 45″ W. along said easterly line of 17th Street (produced) to the point of beginning.

CHAPTER 1044

An act to add Sections 25411.1, 25411.2, 25411.3, 25411.4, 25531.6 and 25531.7 to, to add Chapter 6 (commencing with Section 25546) to Division 18.5 of, and to repeal Sections 1403.1, 1403.2, 1403.3 and 1403.4 (added by Chapter 3 of the 1963 Regular Session) and Sections 15654 and 16069 (added by Senate Bill 164 of the 1963 Regular Session) of, to amend Section 25508.5 of, and to repeal Section 5715.1 of, the Education Code, relating to junior colleges.

[Approved by Governor June 28, 1963 Filed with Secretary of State June 29, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 25411.1 is added to the Education Code, to read:

25411.1. Notwithstanding any provision of law to the contrary, if upon the establishment of trustee areas in a junior college district it appears that one or more trustee areas in the district will not be represented in the membership of the governing board during the next succeeding school year, the county superintendent of schools having jurisdiction shall within 30 days after the election establishing trustee areas or within 30 days after the effective date of this section, whichever is the later, call and set the date of an election for the purpose of electing to the membership of the governing board the allotted number of representatives for each respective trustee area in the district. The election shall be called, held and conducted as are elections for members of governing boards of elementary school districts.

The terms of this section shall expire 91 days after the adjournment of the 1963 General Session.

SEC. 2. Section 25411.2 is added to said code, to read:

25411.2. In the event an election is called as provided in Section 25411.1, the county superintendent of schools having jurisdiction shall, as to each trustee area having more than its allotted number of representatives in the membership of the governing board for the next succeeding school year, determine by lot which of said representatives shall relinquish their offices either immediately upon the election and qualification of the governing board members who are elected as provided in Section 25411.1 or on the first day of July next succeeding the election establishing trustee areas in the district, whichever is the later.

SEC. 3. Section 25411.3 is added to said code, to read:

25411.3. The terms of office of the governing board members who are elected pursuant to Section 25411.1 shall be determined by lot at the first meeting of the full membership of the board. If the board is composed of five members, the terms of office of the members elected pursuant to Section 25411.1

shall be fixed so that the entire board is composed of two members whose terms expire on June 30 of the next succeeding odd-numbered year following the establishment of trustee areas in the district and three members whose terms expire on June 30 of the second succeeding odd-numbered year following the establishment of trustee areas in the district. If the board is composed of seven members, the terms of office of the board members elected pursuant to Section 25411.1 shall be fixed so that the entire board is composed of three members whose terms expire on June 30 of the next succeeding odd-numbered year following the establishment of trustee areas in the district and four members whose terms expire on June 30 of the second succeeding odd-numbered year following the establishment of trustee areas in the district.

SEC. 4. Section 25411.4 is added to said code, to read:

25411.4. Any election called pursuant to Section 25411.1 may be consolidated with an election held to elect members of the governing board of a school district. Notwithstanding the provisions of Section 942, if the elections are consolidated, the notice of election required in Section 942 need be posted for only 30 days and publication of the notice need not be completed until 10 days before the election.

SEC. 5. Section 25531.6 is added to said code, to read:

25531.6. The governing board of any district maintaining a junior college, if the board determines it to be necessary or advisable, may construct and maintain student centers, student union or activity buildings or facilities, vehicle parking facilities, health service facilities, bookstores or other auxiliary facilities for use by students or faculty members of the junior college or employees of the district.

SEC. 6. Section 25531.7 is added to said code, to read:

25531.7. Notwithstanding any of the provisions of Article 2 (commencing with Section 16051) of Chapter 2 of Division 12 to the contrary, the governing board of any school district maintaining a junior college may lease real property owned by the school district to a student body organization established pursuant to Section 10701, upon such terms and conditions as the board may determine, for use as a student center, student union or activity building or facility, food service facility, health service facility, bookstore or any combination of such facilities. Such a student body organization may agree to lease real property pursuant to this section.

SEC. 7. Section 1403.1 of said code is repealed.

SEC. 8. Section 1403.2 of said code is repealed.

SEC. 9. Section 1403.3 of said code is repealed.

SEC. 10. Section 1403.4 of said code is repealed.

SEC. 11. Section 15654 of said code is repealed.

SEC. 12. Section 16069 of said code is repealed.

SEC. 13. Section 25508.5 of said code is amended to read:

25508.5. The governing board of any district, maintaining a junior college, may establish courses outside the district pri-

marily for students who are nonresidents of the district, providing the following conditions are fulfilled:

(a) The governing board of a high school district, not a part of a district maintaining a junior college, with the approval of the county board of education of the county having jurisdiction over the high school district, requests that junior college classes be offered in the high school district.

(b) The district, maintaining the junior college, requests and receives annually the prior written approval of the State Board of Education before establishing or continuing such classes outside its district.

This section shall be in effect until June 30, 1965.

SEC. 14. Section 5715.1 of the Education Code is repealed

SEC. 15. Chapter 6 (commencing with Section 25546) is added to Division 18.5 of said code, to read:

CHAPTER 6. MISCELLANEOUS

25546. If the provisions of this division, as added or amended at the 1963 Regular Session of the Legislature, conflict with any provisions of Division 4 or 5, as added or amended at such session, it is the intent of the Legislature that the provisions of this division shall prevail.

CHAPTER 1045

An act to amend Section 35414 of the Vehicle Code, relating to lengths of vehicles.

[Approved by Governor June 28, 1963. Filed with Secretary of State June 29, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 35414 of the Vehicle Code is amended to read:

35414. (a) The limitations of this chapter as to length of vehicles and loads shall not apply when only poles, timbers, pipes, or integral structural materials not exceeding 80 feet in length are being transported:

(1) Upon a pole or pipe dolly or otherwise lawful trailer used as a pole or pipe dolly in connection with a motor vehicle.

(2) Upon a semitrailer, except for the limitations provided in Section 35410.

The provisions of this subdivision shall not apply unless the load cannot be transported within the length limitations otherwise applicable in this chapter.

(b) Tools and materials incidental to the work to be performed may be transported on a single-axle pole or pipe dolly or otherwise lawful single-axle semitrailer used as a pole or pipe dolly, transporting not more than three poles not ex-

ceeding 80 feet in length and when used by public utility companies or local public agencies engaged in the business of supplying electricity or telephone service, by the Department of Public Works, or by a licensed contractor in the performance of work for a utility, the department, or a local public agency, when such transportation is between a storage yard and job location where such tools and materials are to be used, in which event the limitations of this chapter as to length of vehicles and loads shall not apply.

CHAPTER 1046

An act to amend Section 25100 of the Corporations Code, relating to the Corporate Securities Law.

[Approved by Governor June 28, 1963. Filed with Secretary of State June 29, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 25100 of the Corporations Code is amended to read:

25100. Except as otherwise expressly provided in this division, the Corporate Securities Law does not apply to any of the following classes of securities:

(a) Any security issued or guaranteed by the United States of America, or any territory or insular possession thereof, or by the District of Columbia, or by any state, territory, county, municipality, community redevelopment agency, or taxing district therein.

(b) Any security issued or guaranteed by any foreign government with which the United States of America is, at the time of the sale or offer of sale thereof maintaining diplomatic relations, or by any state, province, or political subdivision thereof having the power of taxation or assessment, which security is recognized, at the time it is offered or sold in this State, as a valid obligation by the foreign government or by the state, province, or political subdivision thereof issuing it.

(c) Any security issued by and representing an interest in or a direct obligation of a national bank, or issued by any federal land bank or joint land bank, or a national farm loan association, under the provisions of the Federal Farm Loan Act of July 17, 1916, or any amendment thereof or thereto, or by any company created and acting as an instrumentality of the government of the United States of America pursuant to authority granted by the Congress of the United States of America, or by any company organized and existing under and by virtue of any act of Congress.

(d) Any security issued by and representing an interest in or a direct obligation of a state bank, trust company, or savings institution incorporated under the laws of this State.

(e) Any security the issuance of which has been authorized by the Public Utilities Commission of this State or by the Interstate Commerce Commission or by the Federal Power Commission.

(f) Any stock (as defined in the Savings and Loan Association Law), issued by a company organized for the purpose of conducting a savings and loan association within this State, the issuance of which has been authorized by the Savings and Loan Commissioner.

(g) Any shares, investment certificates, or borrowers' membership certificates (as defined in the Savings and Loan Association Law) issued by a savings and loan association holding a license then in force issued by the Savings and Loan Commissioner.

(h) Any security issued by a company organized for the purpose of transacting an insurance business, the issuance of which is subject to authorization by the Insurance Commissioner.

(i) Any security which has been certified as a legal investment for savings banks under the laws of this State.

(j) Any certificate of deposit for any security which has been approved by the California Districts Securities Commission for certification as a legal investment for savings banks and trust companies under the laws of this State.

(k) Any security issued under or pursuant to a plan of reorganization which, pursuant to any of the provisions of the act of Congress entitled "An Act to Establish a Uniform System of Bankruptcy Throughout the United States" approved June 1, 1898, and acts amendatory thereof and supplementary thereto, has been confirmed by the decree or order of a court of competent jurisdiction.

(*l*) Any partnership interest in a general partnership, or in a limited partnership where certificates are executed, filed, and recorded as provided by Sections 15502 and 15525 of the Corporations Code of the State of California, except partnership interests when offered to the public.

(m) Any bona fide joint adventure interest, except such interests when offered to the public.

(n) Any certificate of interest or participation in an oil or gas title or lease (including subsurface gas storage and payments out of production) if each person who is a party to the transaction involving such certificate:

(1) Is and has been during the preceding two years engaged primarily in the business of drilling for, producing or refining oil or gas (or whose corporate predecessor, in the case of a corporation, has been so engaged), or

(2) Is or has been found by the commissioner upon written application to have been during the preceding two years, either directly or through a predecessor, substantially engaged in the business of drilling for, producing or refining oil or gas

so as to not require the protection provided by the issuance of a permit.

In the event any security is issued which would have required a permit but for the provisions of this subsection (n) any such security or any interest therein may not thereafter be offered or sold until a permit shall be first obtained with respect to any such security (and subject to such terms and conditions as may therein be imposed by the commissioner) unless each person who is a party to any such subsequent transaction meets the requirements of this subsection (n).

CHAPTER 1047

An act to add Section 51.1 to the Santa Clara-Alameda-San Benito Water Authority Act (Chapter 1289, Statutes of 1955), relating to territory included in the Santa Clara-Alameda-San Benito Water Authority.

[Approved by Governor June 28, 1963. Filed with Secretary of State June 29, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 51.1 is added to the Santa Clara-Alameda-San Benito Water Authority Act (Chapter 1289, Statutes of 1955), to read:

Sec. 51.1. As an alternative method, territory may be included within or annexed to the authority as follows:

The governing body of any public agency, whether within or without the counties in which the authority is organized, may apply to the board of directors of the authority for consent to annex the corporate area of such public agency or a portion thereof to the authority upon the following conditions: (a) that the authority will be without power to levy the authority assessment within the area proposed to be annexed; (b) that the governing body of the applying public agency shall have the right to appoint a representative upon the board of directors of the authority who shall hold office at the pleasure of the appointing governing body and shall have one vote; (c) that upon dissolution of the authority the applying public agency, if then a member agency, shall not receive any portion of funds of the authority; and (d) that the applying public agency if it shall become a member agency may at any time by resolution of its governing body determine and declare that the public interest demands the withdrawal of such member agency from the authority and that upon the filing of a certified copy of such resolution with the secretary of the authority and with the Secretary of State the area of such member agency shall cease to be a part of the authority.

The board of directors may grant or deny such application. The action of the board of directors evidenced by resolution shall be promptly transmitted to the governing body of such applying public agency, and if such action shall grant consent to such annexation such governing body may thereupon file with the board of directors of the authority a certificate of proceedings hereunder which shall contain a legal description of the boundaries of such public agency or a portion thereof, accompanied by a map or plat indicating such boundaries. A certificate of proceedings hereunder shall be made by the secretary of the authority and filed with the Secretary of State. Upon the filing thereof in the office of the Secretary of State, the corporate area of such a public agency or portion thereof shall become and be, subject to the conditions hereinabove specified an integral part of the authority, and the board of directors of the authority shall be empowered to do all things necessary to enforce and make effective said conditions fixed as hereinabove authorized. Upon filing in his office of the aforesaid certificate of proceedings the Secretary of State shall, within 10 days issue his certificate, reciting the filing of said papers in his office and the annexation of the corporate area of such public agency or portion thereof to the authority. The Secretary of State shall transmit the original of his certificate to the secretary of the authority and shall forward a certified copy thereof to the county clerk of the counties in which the authority is situated.

CHAPTER 1048

An act to amend Sections 796.6 and 828.83 of the Agricultural Code, relating to citrus fruit.

[Approved by Governor June 28, 1963. Filed with Secretary of State June 29, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 796.6 of the Agricultural Code is amended to read:

796.6. The count of oranges, grapefruit and lemons when packed in standard container number 58, 59, 60, or 61 and the number marked on the container as required in Section 796.1 shall be one of the numbers tabulated in Column A, below, for oranges or for grapefruit or for lemons and the average diameter marked on the containers shall be the corresponding measurement tabulated in Column B, below:

The average diameter in inches of the oranges, grapefruit or lemons in the container, as determined by inspection of a representative sample, shall be not less than the corresponding measurement tabulated in Column B for each such fruit.

Oranges

Column A Count	Column B Av. dia.
24	4.370
32	3.970
36	3.820
40	3.680
48	3.470
56	3.300
72	3.040
88	2.840
113	2.600
138	2.420
163	2.290
180	2.220
210	2.070
245	1.980
270	1.920

Grapefruit

Column A Count	Column B Av. dia.
9	6.200
12	5.640
14	5.350
16	5.120
18	4.920
23	4.540
27	4.270
32	4.030
36	3.880
40	3.740
48	3.530
56	3.350
64	3.170
80	2.900
88	2.840

Lemons

Column A Count	Column B Av. dia.
63	2.925
75	2.775
95	2.570
115	2.410
140	2.240
165	2.130
195	2.010
235	1.880
285	1.770
319	1.685
343	1.640

Oranges, grapefruit and lemons when in standard containers number 58, 59, 60, or 61 shall be packed in the container so compactly that they will not readily move in the container; the container must be level full of fruit; and the count of fruit in each container must be not less than the count marked with a permissible count in excess not exceeding 8 percent.

SEC. 2. Section 828.83 of said code is amended to read:

828.83. Citrus fruit boxes

		Depth	Width	Length
58	Standard orange or lemon box	$10\frac{1}{4}$	$10\frac{11}{16}$	$16\frac{3}{8}$
59	Standard grapefruit box	$9\frac{3}{4}$	$10\frac{11}{16}$	$16\frac{3}{8}$
60	Standard California orange or lemon box	$10\frac{1}{8}$	$10\frac{1}{2}$	$16\frac{7}{8}$
61	Standard California grapefruit box	$9\frac{5}{8}$	$10\frac{1}{2}$	$16\frac{7}{8}$

Standard container numbers 60 and 61 shall bear upon them in plain sight and in plainly legible letters at least one inch in height on one outside end and on the bottom of the container the words "California Container."

To allow for reasonable variations in the size of container numbers 58, 59, 60 and 61 by reason of manufacturing variations, a variation of plus or minus one-sixteenth of an inch in each of the dimensions of height, width, or length shall be permitted. Notwithstanding this tolerance the net cubical contents of container numbers 58 and 60 shall not be less than 1,750 cubic inches and the net cubical contents of container numbers 59 and 61 shall not be less than 1,665 cubic inches.

CHAPTER 1049

An act to add Chapter 6 (commencing with Section 31625) to Part 6, Division 12 of the Water Code, relating to the Kings County Water District.

[Approved by Governor June 28, 1963. Filed with Secretary of State June 29, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 6 (commencing with Section 31625) is added to Part 6, Division 12 of the Water Code, to read:

CHAPTER 6. KINGS COUNTY WATER DISTRICT IMPROVEMENT DISTRICT

31625. An improvement district may be formed in the Kings County Water District which includes all of the land in the district in the manner prescribed in Chapter 5 (commencing with Section 31585) of this part for capital outlay

purposes, including, but not limited to, the acquisition of stock of mutual water companies. If the improvement district is formed, assessments shall be levied, collected, and enforced exclusively upon land within the improvement district to raise the funds necessary for the purposes of the improvement district. Such assessments shall be levied, collected, and enforced at the same time and as nearly as may be practicable as annual taxes for the purposes of the district.

SEC. 2. It is hereby declared to be necessary to enact the special law contained in Section 1 of this act with respect to the Kings County Water District because of special facts and circumstances existing therein. There are shares of capital stock of several existing mutual water companies within the district which the district has the opportunity to acquire. These mutual water companies own water rights which will be of immeasurable benefit to the district in perpetuity. The taxation of all the property in the district to raise funds to purchase the stock of these mutual water companies would be for a capital outlay purpose and would bear unfairly upon householders and persons owning personal property within the district. As there is, at present, no way under the County Water District Law by which assessments may be levied exclusively upon land within a district to pay the costs of such capital outlays it is necessary that this special law contained in Section 1 of this act be enacted to permit this to be done in the Kings County Water District.

CHAPTER 1050

An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of Section 34 of Article IV of the Constitution of the State of California, and declaring the urgency thereof, to take effect immediately

[Approved by Governor June 28, 1963. Filed with Secretary of State June 29, 1963.]

I object to the following appropriations in Assembly Bill No 800:

Item 180 2—For payment of severance pay, etc, relating to employees of the City of Los Angeles I eliminate this item.

Item 239—For support of the Department of Conservation. I reduce this item from $25,064,355 to $25,045,969 by reducing paragraph (a) Personal Services from $23,365,548 to $23,356,915, and paragraph (b) Operating Expenses and Equipment from $7,384,604 to $7,374,851.

Item 260—For expenditure by Department of Water Resources. I reduce this appropriation from $37,557,644 to $37,487,191 by reducing paragraph (a) Personal Services from $25,212,578 to $25,165,578 and paragraph (b) Operating Expenses and Equipment from $13,749,077 to $13,725,624.

Item 261—For transfer to the Water Resources Revolving Fund. I reduce this appropriation from $9,792,602 to $9,722,148 by reducing paragraph (b) Project Planning from $979,754 to $909,300

Item 291—For augmentation of Service Revolving Fund I reduce this appropriation from $661,168 to $611,168.

Item 358 5—Military Department for construction of an armory at Porterville. I eliminate this item.

Item 361—For Capital Outlay, Department of Parks and Recreation, Division of Beaches and Parks. I reduce this appropriation from $4,129,416 to $3,049,316 by eliminating paragraphs (b) Anza-Borrego Desert State Park—campground development at Culp Valley, (j) Henry Cowell Redwoods State Park—continuing development, (n) La Costa Beach State Park—general development, (w) Los Encinos State Historical Monument—beautification of the ground, and by reducing paragraph (v) Minor Projects from $806,049 to $791,449.

Item 376—For Capital Outlay, University of California. I reduce this appropriation from $69,021,328 to $61,461,928 by eliminating paragraphs (dddd) construct academic areas and dining facilities of residential college No. 1—Santa Cruz, (eeee) construct and equip central services building—Santa Cruz, (ffff) construct physical sciences unit 1—Santa Cruz, (gggg) working drawings for library unit 1—Santa Cruz, (hhhh) construct and equip utilities and site development—Santa Cruz, and (iiii) construct multipurpose unit—Irvine.

Item 386—For Capital Outlay, San Bernardino—Riverside State College. I reduce this appropriation from $250,000 to $100,000 by eliminating paragraph (b) initial complement of library books—first increment.

Item 392—For Capital Outlay, South Bay State College I reduce this appropriation from $350,000 to $200,000 by eliminating paragraph (b) initial complement of library books—first increment.

Item 393—For Capital Outlay, Stanislaus State College. I reduce this appropriation from $1,021,500 to $971,500 by eliminating paragraph (f) working drawings for gymnasium.

Item 406 8—For Capital Outlay, Department of Parks and Recreation. I reduce this appropriation from $19,110,000 to $18,910,000 by eliminating paragraph (q) Anza-Borrego—real property acquisition.

Section 10 55—For the purpose of the Emergency Flood Relief Law for damage or destruction by storm and flood or flood conditions in the counties of Humboldt and Trinity which has occurred between October 1, 1961 and December 31, 1962. I eliminate this item.

With these reductions and eliminations, I approve the bill.

EDMUND G BROWN, Governor

The people of the State of California do enact as follows:

SECTION 1. This act shall be known and may be cited as the "Budget Act of 1963."

SEC. 2. The following sums of money, or so much thereof as may be necessary unless otherwise provided herein, are hereby appropriated for the use and support of the State of California for the 1963-64 fiscal year beginning July 1, 1963, and ending June 30, 1964. All such appropriations, unless otherwise herein provided, shall be paid out of the General Fund in the State Treasury.

Whenever by constitutional or statutory provision the revenues or receipts of any institution, department, board, bureau, commission, officer, employee, or other agency, or any moneys in any special fund created by law therefor, are to be used for salaries, support or any proper purpose, expenditures shall be made therefrom for any such purposes to the extent only of the amount herein appropriated, unless otherwise stated herein, or authorized pursuant to Section 11006, Government Code.

Appropriations for purposes not otherwise provided for herein which have been heretofore made by any existing constitutional or statutory provision shall continue to be governed thereby.

LEGISLATIVE

Item	Amount
1—For salaries of Senators	240,000
2—For mileage of Lieutenant Governor, Senators and statutory officers of the Senate	3,700

Item	Amount
3—For expenses of Members of the Senate	27,500
4—For contingent expenses of the Senate, including personal services for officers, clerks and all other employees, and legislative committees thereof composed in whole or in part of Members of the Senate to be transferred by the State Controller to the Senate Contingent Fund.	2,076,299
4.5—For expenses of citizens' advisory committees and the members thereof, created to assist legislative committees composed in whole or in part of Members of the Senate for study of problems relating to legislative sessions to be transferred by the State Controller to the Senate Contingent Fund.	15,000
5—For salaries of Assemblymen	480,000
6—For mileage of Assemblymen and statutory officers of the Assembly	6,400
7—For expenses of Members of the Assembly	55,000
8—For contingent expenses of the Assembly including personal services for officers, clerks and all other employees, and legislative committees thereof composed in whole or in part of Members of the Assembly to be transferred by the State Controller to the Assembly Contingent Fund.	3,674,780
8.5—For expenses of citizens' advisory committees and the members thereof, created to assist legislative committees composed in whole or in part of Members of the Assembly for study of problems relating to legislative sessions to be transferred by the State Controller to the Assembly Contingent Fund.	15,000
9—For payment of the State's proportionate share of the expenses of the National Conference of Legislative Leaders to be transferred by the State Controller in equal amounts to the Senate and Assembly Contingent Funds.	1,000
10—For legislative printing, binding, mailing and other necessary expenses and in addition thereto any amounts received from the sale of legislative publications.	550,000
11—For support of Legislative Counsel Bureau, in accordance with the following schedule	628,099

Item		Amount
Schedule:		
(a) Personal Services	606,046	
(b) Operating Expenses and Equipment	41,053	
Total of schedule	647,099	
Less estimated reimbursements	19,000	
Net appropriation	628,099	
12—For support of California Law Revision Commission, in accordance with the following schedule		110,799
Schedule:		
(a) Personal Services	75,824	
(b) Operating Expenses and Equipment	34,975	
Total of schedule	110,799	
13—For support of California Commission on Uniform State Laws		5,850
14—For State's contribution to the Legislators' Retirement Fund in accordance with Section 9358 of the Government Code		315,000
JUDICIAL		
15—For support of Supreme Court of California		1,008,918
16—For support of Judicial Council		390,446
17—For additional support of Judicial Council, to be expended for extra compensation and traveling expenses of judges assigned by the Judicial Council		42,000
18—For support of Commission on Judicial Qualifications		32,633
19—For support of District Court of Appeal, First Appellate District		536,926
20—For support of District Court of Appeal, Second Appellate District		717,902
21—For support of District Court of Appeal, Third Appellate District		206,109
22—For support of District Court of Appeal, Fourth Appellate District		226,002
23—For support of District Court of Appeal, Fifth Appellate District		185,249
EXECUTIVE		
24—For support of Governor and of Governor's office (exempt from the provisions of Sections 603, 12410 and 13320 of the Government Code)		877,677

Item		Amount
25—For support of Governor's residence (exempt from the provisions of Sections 603, 12410 and 13320 of the Government Code)		17,400
26—For special contingent expenses, Governor's office (exempt from the provisions of Sections 603, 12410 and 13320 of the Government Code)		15,000
26.5—For California's share, as the host State, of the expenses of conducting the Western Governors' Conference, Governor's office (exempt from the provisions of Sections 603, 12410, and 13320 of the Government Code)		15,000
27—For support of Office of Atomic Energy Development and Radiation Protection, Departmental Co-ordinating Committee on Atomic Energy Development and Radiation Protection and the Advisory Council on Atomic Energy Development and Radiation Protection		43,705
28—For support of Office of Consumer Counsel including the expenses of advisory committees appointed under Government Code Section 12057		122,486
29—For support of California Disaster Office, California State Disaster Council and advisory committees, in accordance with the following schedule		881,908
and in addition any amounts received from federal grants or other sources shall be available for expenditure in accordance with the provisions of this item.		
Schedule:		
(a) Personal Services	1,181,313	
(b) Operating Expenses and Equipment	595,808	
Total of schedule	1,777,121	
Less estimated reimbursements	895,213	
Net appropriation	881,908	
provided, that no positions established with funds available under provisions of Public Law 85-606, shall be continued past the date that such funds cease to be available.		
31—For support of Lieutenant Governor, in accordance with the following schedule		115,384

Item		Amount
Schedule:		
(a) Personal Services	80,509	
(b) Operating Expenses and Equipment	34,875	
Total of schedule	115,384	

GENERAL ADMINISTRATION

32—For support of Board of Administration of the State Employees' Retirement System, payable from the State Employees' Retirement Fund, pursuant to Section 20202.5 of of the Government Code, in accordance with the following schedule		1,490,663
Schedule:		
(a) Personal Services	1,469,628	
(b) Operating Expenses and Equipment	698,713	
Total of schedule	2,168,341	
Less estimated amounts available from other sources:		
(c) Reimbursements	430,941	
(d) Amount payable from State Employees' Contingency Reserve Fund (Item 33)	226,737	
(e) Amount payable from General Fund (Item 34)	20,000	
Net appropriation	1,490,663	
33—For support of Board of Administration of the State Employees' Retirement System, payable from the State Employees' Contingency Reserve Fund, in accordance with the provisions of Section 22840 of the Government Code		226,737
34—For support of Board of Administration of the State Employees' Retirement System		20,000
35—For support of California Commission on Interstate Co-operation		65,905
36—For support of State Personnel Board, in accordance with the following schedule		3,412,541
Schedule:		
(a) Personal Services	3,118,489	
(b) Operating Expenses and Equipment	673,288	
Total of schedule	3,791,777	
Less estimated reimbursements	379,236	
Net appropriation	3,412,541	

Item			Amount
37—For support of Secretary of State, in accordance with the following schedule			554,456
Schedule:			
(a) Personal services		434,558	
(b) Operating Expenses and Equipment		124,663	
Total of schedule		559,221	
Less estimated reimbursements		4,765	
Net appropriation		554,456	

AGRICULTURE

38—For support of Department of Agriculture and State Livestock Health Committee, in accordance with the following schedule			11,071,031
Schedule:			
(a) Personal Services		15,430,691	
(b) Operating Expenses and Equipment		4,656,237	
Total of schedule		20,086,928	
Less estimated amounts available from other sources:			
(c) Reimbursements		606,993	
(d) Amount payable from the Department of Agriculture Fund (Item 40)		8,408,904	
Net appropriation		11,071,031	

It is the intention of the Legislature that state funds shall not be expended for enforcement of federal maritime and aircraft plant quarantines unless reimbursement in funds or services is made by the United States government. The appropriation made by this item for enforcement of federal maritime and aircraft plant quarantines shall not be available at any time after the federal government notifies the California Department of Agriculture in writing that it has assumed responsibility for this work, provided that this limitation does not apply to expenditure of any maritime and aircraft plant quarantine funds pursuant to any agreement executed between the California Department of Agriculture and the United States government for the enforcement of federal and California quarantines and specifying a method for sharing the costs of such enforcement.

Item		Amount
39—For co-operation with the federal government in marketing research under the provisions of Public Law 733 (79th Congress) and Section 1286 of the Agricultural Code, Department of Agriculture		92,950
40—For support of Department of Agriculture, payable from the Department of Agriculture Fund		8,408,904
41—For support of Poultry Improvement Commission, payable from the Poultry Testing Project Fund, in accordance with the following schedule		137,454
Schedule:		
(a) Personal Services	72,687	
(b) Operating Expenses and Equipment	66,481	
Total of schedule	139,168	
Less estimated reimbursements	1,714	
Net appropriation	137,454	
42—For augmentation of the Poultry Testing Project Fund to be transferred by the State Controller to the Poultry Testing Project Fund.		44,842

CORRECTIONS

43—For support of Youth and Adult Corrections Agency, in accordance with the following schedule		69,097
Schedule:		
(a) Personal Services	53,986	
(b) Operating Expenses and Equipment	15,111	
Total of schedule	69,097	
45—For support of Departmental Administration, Adult Authority, Board of Trustees, California Institution for Women and Board of Corrections, Department of Corrections, in accordance with the following schedule		6,173,728
Schedule:		
(a) Personal Services	5,341,035	
(b) Operating Expenses and Equipment	1,507,853	
Total of schedule	6,848,888	
Less estimated reimbursements	675,160	
Net appropriation	6,173,728	

Item		Amount
46—For transportation of prisoners to and between state prisons, including the return of parole violators to prison and for the conveying of persons under provisions of Sections 6400 et seq. of the Penal Code and Sections 3295 and 3297 of the Health and Safety Code in accordance with the provisions of Section 26749 of the Government Code		80,000
47—For expenses of returning fugitives from justice from outside the State in accordance with the provisions of Sections 1549 and 1557 of the Penal Code		280,000
48—For court costs and county charges, payable under Sections 4700 and 4700.5 of the Penal Code, in connection with coroners' services and trials of inmates charged with commission of a crime or crimes while incarcerated in a state institution or prison under the Department of Corrections, Department of Corrections		40,000
49—For support of Conservation Center, Department of Corrections, in accordance with the following schedule		5,928,043
Schedule:		
(a) Personal Services	3,651,357	
(b) Operating Expenses and Equipment	2,418,164	
(c) Inmate Pay—Work Projects	298,781	
Total of schedule	6,368,302	
Less estimated reimbursements	440,259	
Net appropriation	5,928,043	
50—For support of Correctional Institution at Tehachapi, Department of Corrections, in accordance with the following schedule		1,321,210
Schedule:		
(a) Personal Services	863,492	
(b) Operating Expenses and Equipment	469,481	
(c) Inmate Pay—Work Projects	5,500	
Total of schedule	1,338,473	
Less estimated reimbursements	17,263	
Net appropriation	1,321,210	
51—For support of Correctional Training Facility, Department of Corrections, in accordance with the following schedule		6,857,183

Item		Amount
Schedule:		
(a) Personal Services	4,409,500	
(b) Operating Expenses and Equipment	2,517,094	
(c) Inmate Pay—Work Projects	110,195	
Total of schedule	7,036,789	
Less estimated reimbursements	179,606	
Net appropriation	6,857,183	
52—For support of Deuel Vocational Institution, Department of Corrections, in accordance with the following schedule		4,242,208
Schedule:		
(a) Personal Services	3,162,524	
(b) Operating Expenses and Equipment	1,125,041	
(c) Inmate Pay—Work Projects	12,047	
Total of schedule	4,299,612	
Less estimated reimbursements	57,404	
Net appropriation	4,242,208	
53—For support of California State Prison at Folsom, Department of Corrections, in accordance with the following schedule		4,106,073
Schedule:		
(a) Personal Services	2,768,983	
(b) Operating Expenses and Equipment	1,444,619	
(c) Inmate Pay—Work Projects	16,970	
Total of schedule	4,230,572	
Less estimated reimbursements	124,499	
Net appropriation	4,106,073	
54—For support of California Institution for Men, Department of Corrections, in accordance with the following schedule		4,431,206
Schedule:		
(a) Personal Services	3,105,233	
(b) Operating Expenses and Equipment	1,462,632	
(c) Inmate Pay—Work Projects	16,940	
Total of schedule	4,584,805	
Less estimated reimbursements	153,599	
Net appropriation	4,431,206	

Item		Amount
55—For support of Medical Facility, Department of Corrections, in accordance with the following Schedule		4,869,609
Schedule:		
(a) Personal Services	3,697,342	
(b) Operating Expenses and Equipment	1,269,392	
(c) Inmate Pay—Work Projects	17,900	
Total of schedule	4,984,634	
Less estimated reimbursements	115,025	
Net appropriation	4,869,609	
56—For support of California Men's Colony—East Facility, Department of Corrections, in accordance with the following schedule		4,514,007
Schedule:		
(a) Personal Services	3,018,999	
(b) Operating Expenses and Equipment	1,717,928	
(c) Inmate Pay—Work Projects	21,800	
Total of schedule	4,758,727	
Less estimated reimbursements	244,720	
Net appropriation	4,514,007	
57—For support of California Men's Colony—West Facility, Department of Corrections, in accordance with the following schedule		2,425,803
Schedule:		
(a) Personal Services	1,521,124	
(b) Operating Expenses and Equipment	905,989	
(c) Inmate Pay—Work Projects	32,174	
Total of schedule	2,459,287	
Less estimated reimbursements	33,484	
Net appropriation	2,425,803	
58—For support of California Rehabilitation Center, Department of Corrections, in accordance with the following schedule		5,596,810
Schedule:		
(a) Personal Services	3,552,737	
(b) Operating Expenses and Equipment	2,040,418	

Item		Amount
(c) Inmate Pay—Work Projects	15,480	
Total of schedule	5,608,635	
Less estimated reimbursements	11,825	
Net appropriation	5,596,810	
59—For support of California State Prison at San Quentin, Department of Corrections, in accordance with the following schedule		7,562,937
Schedule:		
(a) Personal Services	4,590,677	
(b) Operating Expenses and Equipment	3,233,581	
(c) Inmate Pay—Work Projects	203,956	
Total of schedule	8,028,214	
Less estimated reimbursements	465,277	
Net appropriation	7,562,937	
60—For support of California Institution for Women, Department of Corrections, in accordance with the following schedule		2,065,474
Schedule:		
(a) Personal Services	1,445,211	
(b) Operating Expenses and Equipment	664,177	
(c) Inmate Pay—Work Projects	9,221	
Total of schedule	2,118,609	
Less estimated reimbursements	53,135	
Net appropriation	2,065,474	
62—For support of Departmental Administration, Department of the Youth Authority, in accordance with the following schedule		5,208,658
Schedule:		
(a) Personal Services	4,088,207	
(b) Operating Expenses and Equipment	1,201,531	
Total of schedule	5,289,738	
Less estimated reimbursements	81,080	
Net appropriation	5,208,658	
63—For deportation of nonresidents committed to Department of the Youth Authority and expenses in connection with the Interstate Compact on Juveniles		47,270

Item		Amount
64—For transportation of persons committed to Department of the Youth Authority to or between its facilities, including the return of parole violators		60,405
65—For maintenance of persons committed to Department of the Youth Authority and paroled to the custody of private homes		463,680
66—For support of Northern California Reception Center and Clinic, Department of the Youth Authority, in accordance with the following schedule		1,555,047
Schedule:		
(a) Personal Services	1,286,723	
(b) Operating Expenses and Equipment	285,114	
Total of schedule	1,571,837	
Less estimated reimbursements	16,790	
Net appropriation	1,555,047	
67—For support of Southern California Reception Center and Clinic, Department of the Youth Authority, in accordance with the following schedule		1,776,206
Schedule:		
(a) Personal Services	1,422,894	
(b) Operating Expenses and Equipment	363,427	
Total of schedule	1,786,321	
Less estimated reimbursements	10,115	
Net appropriation	1,776,206	
68—For support of Youth Authority Conservation Camps, Department of the Youth Authority, in accordance with the following schedule		986,795
Schedule:		
(a) Personal Services	567,325	
(b) Operating Expenses and Equipment	383,825	
(c) Inmate Pay—Work Projects	48,335	
Total of schedule	999,485	
Less estimated reimbursements	12,690	
Net appropriation	986,795	
69—For support of Fricot Ranch School for Boys, Department of the Youth Authority, in accordance with the following schedule		1,037,661

Item		Amount
Schedule:		
(a) Personal Services	821,362	
(b) Operating Expenses and Equipment	238,034	
Total of schedule	1,059,396	
Less estimated reimbursements	21,735	
Net appropriation	1,037,661	
70—For support of Fred C. Nelles School for Boys, Department of the Youth Authority, in accordance with the following schedule		1,971,164
Schedule:		
(a) Personal Services	1,623,418	
(b) Operating Expenses and Equipment	357,426	
Total of schedule	1,980,844	
Less estimated reimbursements	9,680	
Net appropriation	1,971,164	
71—For support of Northern California Youth Center, Department of the Youth Authority, in accordance with the following schedule		43,066
Schedule:		
(a) Personal Services	38,466	
(b) Operating Expenses and Equipment	4,600	
Total of schedule	43,066	
72—For support of Paso Robles School for Boys, Department of the Youth Authority, in accordance with the following schedule		1,777,094
Schedule:		
(a) Personal Services	1,437,320	
(b) Operating Expenses and Equipment	353,568	
Total of schedule	1,790,888	
Less estimated reimbursements	13,794	
Net appropriation	1,777,094	
73—For support of Preston School of Industry, Department of the Youth Authority, in accordance with the following schedule		3,217,906

Item		Amount
Schedule:		
(a) Personal Services	2,679,987	
(b) Operating Expenses and Equipment	653,159	
Total of schedule	3,333,146	
Less estimated reimbursements	115,240	
Net appropriation	3,217,906	
74—For support of Youth Training School, Department of the Youth Authority, in accordance with the following schedule		3,862,162
Schedule:		
(a) Personal Services	2,908,851	
(b) Operating Expenses and Equipment	981,111	
Total of schedule	3,889,962	
Less estimated reimbursements	27,800	
Net appropriation	3,862,162	
75—For support of Los Guilucos School for Girls, Department of the Youth Authority, in accordance with the following schedule		1,293,600
Schedule:		
(a) Personal Services	1,074,763	
(b) Operating Expenses and Equipment	248,002	
Total of schedule	1,322,765	
Less estimated reimbursements	29,165	
Net appropriation	1,293,600	
76—For support of Ventura School for Girls, Department of the Youth Authority, in accordance with the following schedule		1,744,927
Schedule:		
(a) Personal Services	1,414,294	
(b) Operating Expenses and Equipment	340,041	
Total of schedule	1,754,335	
Less estimated reimbursements	9,408	
Net appropriation	1,744,927	
EDUCATION		
77—For support of Department of Education, Superintendent of Public Instruction and State Board of Education, in accordance with the following schedule		3,534,417

Item		Amount
Schedule:		
(a) Personal Services	3,912,219	
(b) Operating Expenses and Equipment	1,136,167	
Total of schedule	5,048,386	
Less estimated amounts available from other sources:		
(c) Reimbursements	1,413,769	
(d) Amount payable from State School Building Aid Fund (Item 78)	100,200	
Net appropriation	3,534,417	
78—For support of Department of Education, payable from the State School Building Aid Fund		100,200
80—For co-operation with the federal government for the improvement of instruction under the provisions of Title 3 of the National Defense Education Act of 1958, Department of Education		268,042
81—For co-operation with the federal government for the improvement of statistical services under the provisions of Title 10 of the National Defense Education Act of 1958, Department of Education		47,521
82—For support of Division of Libraries, Department of Education and Board of Library Examiners, in accordance with the following schedule		1,109,048
Schedule:		
(a) Personal Services	863,174	
(b) Operating Expenses and Equipment	256,398	
Total of schedule	1,119,572	
Less estimated reimbursements	10,524	
Net appropriation	1,109,048	
83—For support of Berkeley Center, California Industries for the Blind, in accordance with the following schedule		172,228
Schedule:		
(a) Personal Services	73,826	
(b) Operating Expenses and Equipment	98,402	
Total of schedule	172,228	

Item		Amount
84—For support of Los Angeles Center, California Industries for the Blind, in accordance with the following schedule		138,102
Schedule:		
(a) Personal Services	111,579	
(b) Operating Expenses and Equipment	26,523	
Total of schedule	138,102	
85—For support of San Diego Center, California Industries for the Blind, in accordance with the following schedule		63,571
Schedule:		
(a) Personal Services	46,081	
(b) Operating Expenses and Equipment	17,490	
Total of schedule	63,571	
86—For support of Orientation Center for the Blind, in accordance with the following schedule		261,084
Schedule:		
(a) Personal Services	196,696	
(b) Operating Expenses and Equipment	65,888	
Total of schedule	262,584	
Less estimated reimbursements	1,500	
Net appropriation	261,084	
87—For support of California School for the Blind, in accordance with the following schedule		713,536
Schedule:		
(a) Personal Services	599,532	
(b) Operating Expenses and Equipment	160,078	
Total of schedule	759,610	
Less estimated reimbursements	46,074	
Net appropriation	713,536	
88—For support of School for Cerebral Palsied Children, Northern California, in accordance with the following schedule		504,053

Item		Amount
Schedule:		
(a) Personal Services	454,839	
(b) Operating Expenses and Equipment	59,064	
Total of schedule	513,903	
Less estimated reimbursements	9,850	
Net appropriation	504,053	
89—For support of School for Cerebral Palsied Children, Southern California, in accordance with the following schedule		453,644
Schedule:		
(a) Personal Services	394,442	
(b) Operating Expenses and Equipment	64,392	
Total of schedule	458,834	
Less estimated reimbursements	5,190	
Net appropriation	453,644	
90—For support of California School for the Deaf, Berkeley, in accordance with the following schedule		1,767,369
Schedule:		
(a) Personal Services	1,544,510	
(b) Operating Expenses and Equipment	285,102	
Total of schedule	1,829,612	
Less estimated reimbursements	62,243	
Net appropriation	1,767,369	
91—For support of California School for the Deaf, Riverside, in accordance with the following schedule		1,899,627
Schedule:		
(a) Personal Services	1,681,630	
(b) Operating Expenses and Equipment	239,383	
Total of schedule	1,921,013	
Less estimated reimbursements	21,386	
Net appropriation	1,899,627	
92—For support of Vocational Education, Department of Education, in accordance with the following schedule		686,040

Item		Amount
Schedule:		
(a) Personal Services	1,066,018	
(b) Operating Expenses and Equipment	633,800	
Total of schedule	1,699,818	
Less estimated amounts available from other sources:		
(c) Reimbursements	70,685	
(d) Federal grants	943,093	
Net appropriation	686,040	
93—For support of Vocational Rehabilitation, Department of Education, in accordance with the following schedule		3,721,716
Schedule:		
(a) Personal Services	4,205,365	
(b) Operating Expenses and Equipment	5,726,259	
Total of schedule	9,931,624	
Less estimated amounts available from other sources:		
(c) Reimbursements	24,425	
(d) Federal grants	6,185,483	
Net appropriation	3,721,716	
94—For support of State Teachers' Retirement System, in accordance with the following schedule		613,643
Schedule:		
(a) Personal Services	486,741	
(b) Operating Expenses and Equipment	126,902	
Total of schedule	613,643	
HIGHER EDUCATION		
95—For support of Co-ordinating Council for Higher Education, in accordance with the following schedule		281,465
Schedule:		
(a) Personal Services	201,206	
(b) Operating Expenses and Equipment	80,259	
Total of schedule	281,465	
The amount provided by this item is in addition to any funds received from the federal government by the Co-ordinating Council for		

Item		Amount
Higher Education, as the state agency for preparing and administering a state plan for the construction of academic and related facilities for institutions of higher education.		
96—For payment of the State's share of the operating costs of the Western Interstate Commission for Higher Education, Co-ordinating Council for Higher Education		15,000
98—For support of University of California, exempt from Section 31 of this act		154,407,758
99—For research in the conversion of sea water and brackish water to fresh water, University of California, exempt from Section 31 of this act		334,900
101—For support of Hastings College of Law, in accordance with the following schedule		459,255
Schedule:		
(a) Personal Services	548,725	
(b) Operating Expenses and Equipment	98,150	
Total of schedule	646,875	
Less estimated reimbursements	187,620	
Net appropriation	459,255	
103—For support of Trustees of the California State Colleges, in accordance with the following schedule		1,190,461
Schedule:		
(a) Personal Services	893,101	
(b) Operating Expenses and Equipment	304,360	
Total of schedule	1,197,461	
Less estimated reimbursements	7,000	
Net appropriation	1,190,461	
104—For student loan funds authorized by Education Code Section 24001 for the purpose of making part of the payments pursuant to agreements entered into under Title II of the Act of Congress, cited as the National Defense Education Act of 1958, on behalf of the several state colleges. This appropriation is to be allocated by the Trustees of the California State Colleges to the several state colleges		200,000
105—For support of State College for Alameda County, in accordance with the following schedule and in addition thereto any amounts collected for fees for parking facilities.		2,274,973

Item		Amount
Schedule:		
(a) Personal Services	2,033,510	
(b) Operating Expenses and Equipment	500,429	
Total of schedule	2,533,939	
Less estimated reimbursements	258,966	
Net appropriation	2,274,973	
106—For support of Chico State College, in accordance with the following schedule and in addition thereto any amounts collected for fees for parking facilities.		4,275,769
Schedule:		
(a) Personal Services	4,157,696	
(b) Operating Expenses and Equipment	641,043	
Total of schedule	4,798,739	
Less estimated reimbursements	522,970	
Net appropriation	4,275,769	
107—For support of Fresno State College, in accordance with the following schedule and in addition thereto any amounts collected for fees for parking facilities.		6,657,030
Schedule:		
(a) Personal Services	6,914,010	
(b) Operating Expenses and Equipment	1,251,408	
Total of schedule	8,165,418	
Less estimated reimbursements	1,508,388	
Net appropriation	6,657,030	
108—For support of Humboldt State College, in accordance with the following schedule and in addition thereto any amounts collected for fees for parking facilities.		3,512,461
Schedule:		
(a) Personal Services	3,250,916	
(b) Operating Expenses and Equipment	565,172	
Total of schedule	3,816,088	
Less estimated reimbursements	303,627	
Net appropriation	3,512,461	

Item		Amount
109—For support of Long Beach State College, in accordance with the following schedule and in addition thereto any amounts collected for fees for parking facilities.		8,654,545
Schedule:		
(a) Personal Services	8,920,609	
(b) Operating Expenses and Equipment	1,288,155	
Total of schedule	10,208,764	
Less estimated reimbursements	1,554,219	
Net appropriation	8,654,545	
110—For support of Los Angeles State College of Applied Arts and Sciences, in accordance with the following schedule and in addition thereto any amounts collected for fees for parking facilities.		10,384,215
Schedule:		
(a) Personal Services	10,947,219	
(b) Operating Expenses and Equipment	1,525,176	
Total of schedule	12,472,395	
Less estimated reimbursements	2,088,180	
Net appropriation	10,384,215	
111—For support of Orange State College, in accordance with the following schedule and in addition thereto any amounts collected for fees for parking facilities.		2,465,463
Schedule:		
(a) Personal Services	2,340,658	
(b) Operating Expenses and Equipment	446,862	
Total of schedule	2,787,520	
Less estimated reimbursements	322,057	
Net appropriation	2,465,463	
112—For support of Sacramento State College, in accordance with the following schedule and in addition thereto any amounts collected for fees for parking facilities.		5,350,983

Item		Amount
Schedule:		
(a) Personal Services	5,472,465	
(b) Operating Expenses and Equipment	821,181	
Total of schedule	6,293,646	
Less estimated reimbursements	942,663	
Net appropriation	5,350,983	
113—For support of San Bernardino-Riverside State College, in accordance with the following schedule		210,729
Schedule:		
(a) Personal Services	182,129	
(b) Operating Expenses and Equipment	28,600	
Total of schedule	210,729	
114—For support of San Diego State College, in accordance with the following schedule		10,451,467
and in addition thereto any amounts collected for fees for parking facilities.		
Schedule:		
(a) Personal Services	10,716,426	
(b) Operating Expenses and Equipment	1,512,921	
Total of schedule	12,229,347	
Less estimated reimbursements	1,777,880	
Net appropriation	10,451,467	
115—For support of San Fernando Valley State College, in accordance with the following schedule		6,793,960
and in addition thereto any amounts collected for fees for parking facilities.		
Schedule:		
(a) Personal Services	6,628,207	
(b) Operating Expenses and Equipment	1,133,255	
Total of schedule	7,761,462	
Less estimated reimbursements	967,502	
Net appropriation	6,793,960	
116—For support of San Francisco State College, in accordance with the following schedule		10,352,157
and in addition thereto any amounts collected for fees for parking facilities.		

Item		Amount
Schedule:		
(a) Personal Services	10,761,358	
(b) Operating Expenses and Equipment	1,544,725	
Total of schedule	12,306,083	
Less estimated reimbursements	1,953,926	
Net appropriation	10,352,157	
117—For support of San Jose State College, in accordance with the following schedule and in addition thereto any amounts collected for fees for parking facilities.		13,822,927
Schedule:		
(a) Personal Services	14,279,677	
(b) Operating Expenses and Equipment	1,956,777	
Total of schedule	16,236,454	
Less estimated reimbursements	2,413,527	
Net appropriation	13,822,927	
118—For support of Sonoma State College, in accordance with the following schedule and in addition thereto any amounts collected for fees for parking facilities.		892,656
Schedule:		
(a) Personal Services	829,591	
(b) Operating Expenses and Equipment	180,990	
Total of schedule	1,010,581	
Less estimated reimbursements	117,925	
Net appropriation	892,656	
119—For support of South Bay State College, in accordance with the following schedule		215,187
Schedule:		
(a) Personal Services	187,187	
(b) Operating Expenses and Equipment	28,000	
Total of schedule	215,187	
120—For support of Stanislaus State College, in cordance with the following schedule and in addition thereto any amounts collected for fees for parking facilities.		765,290

Item		Amount
Schedule:		
(a) Personal Services	737,438	
(b) Operating Expenses and Equipment	130,469	
Total of schedule	867,907	
Less estimated reimbursements	102,617	
Net appropriation	765,290	
121—For support of California State Polytechnic College, in accordance with the following schedule and in addition thereto any amounts collected for fees for parking facilities.		10,393,719
Schedule:		
(a) Personal Services	9,876,169	
(b) Operating Expenses and Equipment	1,891,585	
Total of schedule	11,767,754	
Less estimated reimbursements	1,374,035	
Net appropriation	10,393,719	
122—For support of California Maritime Academy, in accordance with the following schedule		474,026
Schedule:		
(a) Personal Services	580,081	
(b) Operating Expenses and Equipment	229,900	
Total of schedule	809,981	
Less estimated reimbursements	335,955	
Net appropriation	474,026	
123—For support of the State Scholarship Commission, in accordance with the following schedule		2,619,766
Schedule:		
(a) Personal Services	80,599	
(b) Operating Expenses and Equipment	2,539,167	
Total of schedule	2,619,766	

FISCAL AFFAIRS

Item		Amount
124—For support of State Board of Control, in accordance with the following schedule		24,893
Schedule:		
(a) Personal Services	20,688	
(b) Operating Expenses and Equipment	4,205	
Total of schedule	24,893	
125—For support of State Controller, in accordance with the following schedule		4,510,341
Schedule:		
(a) Personal Services	4,124,827	
(b) Operating Expenses and Equipment	1,614,823	
Total of schedule	5,739,650	
Less estimated amounts available from other sources:		
(c) Reimbursements	187,626	
(d) Amount payable from the Motor Vehicle Transportation Tax Fund (Item 126)	168,954	
(e) Amount payable from the Motor Vehicle Fuel Fund (Item 127)	696,477	
(f) Amount payable from the State School Building Aid Fund (Item 128)	176,252	
Net appropriation	4,510,341	
126—For support of State Controller, payable from the Motor Vehicle Transportation Tax Fund		168,954
127—For support of State Controller, payable from the Motor Vehicle Fuel Fund		696,477
128—For support of State Controller, payable from the State School Building Aid Fund		176,252
129—For support of State Board of Equalization, in accordance with the following schedule		15,378,608
Schedule:		
(a) Personal Services	18,296,410	
(b) Operating Expenses and Equipment	3,404,874	
Total of Schedule	21,701,284	
Less estimated amounts available from other sources:		
(c) Reimbursements	4,304,776	

Item		Amount
(d) Amount payable from the Motor Vehicle Transportation Tax Fund (Item 130)	1,033,400	
(e) Amount payable from the Motor Vehicle Fuel Fund (Item 131)	984,500	
Net appropriation	15,378,608	
130—For support of State Board of Equalization, payable from the Motor Vehicle Transportation Tax Fund		1,033,400
131—For support of State Board of Equalization, payable from the Motor Vehicle Fuel Fund		984,500
132—For support of Department of Finance, in accordance with the following schedule		8,820,575
Schedule:		
(a) Personal Services	14,286,108	
(b) Operating Expenses and Equipment	7,608,601	
Total of schedule	21,894,709	
Less estimated amounts available from other sources:		
(c) Reimbursements	11,316,901	
(d) Amount payable from the Fair and Exposition Fund (Item 133)	262,144	
(e) Amount payable from the State School Building Aid Fund (Item 134)	887,828	
(f) Estimated grants from the federal government or agencies thereof	607,261	
Net appropriation	8,820,575	
provided, that this appropriation shall be available for the purchase of insurance to insure the liability of the State and its officers and employees for damage or injury to persons or property resulting from the dangerous or defective condition of state-owned or state-controlled property under the jurisdiction of the Department of Finance.		
133—For support of Department of Finance, payable from the Fair and Exposition Fund		262,144
134—For support of Department of Finance, payable from the State School Building Aid Fund		887,828

Item		Amount
135—For support of Capitol Building and Planning Commission		2,500
136—For support of California State Fair and Exposition, Department of Finance, payable from the State Fair Fund		2,441,942
provided, that of the amount appropriated by this item $15,000 is derived from the amount transferred from the Fair and Exposition Fund by the provisions of Section 19624 of the Business and Professions Code, and no further expenditure shall be made from the State Fair Fund from the authority contained in Section 19624 of the Business and Professions Code during the 1963-64 fiscal year.		
137—For augmentation of the State Fair Fund to be transferred to the State Fair Fund by the State Controller.		244,342
And in addition, there is appropriated from the General Fund, not to exceed $250,000, to be made available upon order of the Department of Finance, for temporary loans to the State Fair Fund to meet cash needs.		
138—For support of California Museum of Science and Industry, Department of Finance, payable from the California Museum of Science and Industry Fund		587,373
139—For augmentation of the California Museum of Science and Industry Fund to be transferred to the California Museum of Science and Industry Fund by the State Controller.		219,287
140—For support of State Lands Division, State Lands Commission, Department of Finance, in accordance with the following schedule:		1,486,653
Schedule:		
(a) Personal Services	1,056,322	
(b) Operating Expenses and Equipment	507,831	
Total of schedule	1,564,153	
Less estimated reimbursements	77,500	
Net appropriation	1,486,653	
141—For support of Franchise Tax Board, in accordance with the following schedule		9,913,374

Item		Amount
Schedule:		
(a) Personal Services	8,317,564	
(b) Operating Expenses and Equipment	1,595,810	
Total of schedule	9,913,374	
142—For support of State Treasurer, in accordance with the following schedule		411,608
Schedule:		
(a) Personal Services	380,212	
(b) Operating Expenses and Equipment	188,447	
Total of schedule	568,659	
Less estimated reimbursements	157,051	
Net appropriation	411,608	

HEALTH AND WELFARE

143—For support of Health and Welfare Agency, in accordance with the following schedule		63,983
Schedule:		
(a) Personal Services	52,383	
(b) Operating Expenses and Equipment	11,600	
Total of schedule	63,983	
144—For support of Department of Mental Hygiene and agencies under the jurisdiction of the department, to be transferred to and in augmentation of the support appropriations of the department and its agencies upon order of the Department of Finance		1,653,402
145—For family care of patients paroled or on leave of absence from state institutions of the Department of Mental Hygiene pursuant to Section 6726 of the Welfare and Institutions Code, Department of Mental Hygiene, to be transferred in augmentation of Item 149		276,000
146—For support of Department of Mental Hygiene, in accordance with the following schedule		6,425,917
Schedule:		
(a) Personal Services	5,200,022	
(b) Operating Expenses and Equipment	1,760,542	
Total of schedule	**6,960,564**	

Item		Amount
Less estimated amounts available from other sources:		
(c) Reimbursements	106,442	
(d) Estimated grants from the federal government or agencies thereof	428,205	
Net appropriation	6,425,917	
147—For transportation of patients and other persons committed to state institutions of the Department of Mental Hygiene, to be expended by the Department of Mental Hygiene, in accordance with the following schedule		96,621
Schedule:		
(a) Operating Expenses	138,030	
Less estimated reimbursements	41,409	
Net appropriation	96,621	
148—For expenses of deportation and transfer of patients of the Department of Mental Hygiene, Department of Mental Hygiene, in accordance with the following schedule		103,200
Schedule:		
(a) Operating Expenses	112,200	
Less estimated reimbursements	9,000	
Net appropriation	103,200	
149—For family care of patients paroled or on leave of absence from state institutions of the Department of Mental Hygiene pursuant to Section 6726 of the Welfare and Institutions Code, Department of Mental Hygiene		2,928,600
150—For care and treatment of mentally retarded persons in private medical facilities, Department of Mental Hygiene		250,000
151—For research projects, Department of Mental Hygiene, to be expended only on allocations to agencies of the Department of Mental Hygiene authorized by the Department of Finance		487,000
The appropriation made by this item shall remain available for allocation, reallocation, and expenditure until June 30, 1966.		
And in addition any amounts received for research projects from federal grants or other sources shall be available for expenditure in accordance with the provisions of this item.		
152—For support of Day Treatment Centers, Department of Mental Hygiene, to be expended in accordance with the following schedule		574,857

Item		Amount
Schedule:		
(a) Personal Services	432,448	
(b) Operating Expenses and Equipment	142,409	
Total of schedule	574,857	
153—For support of Outpatient Mental Hygiene Clinics, Department of Mental Hygiene, in accordance with the following schedule		908,882
Schedule:		
(a) Personal Services	912,976	
(b) Operating Expenses and Equipment	148,271	
Total of schedule	1,061,247	
Less estimated amounts available from other sources:		
(c) Estimated grants from the federal government or agencies thereof	152,365	
Net appropriation	908,882	
154—For support of Langley Porter Neuropsychiatric Institute, in accordance with the following schedule		2,298,592
Schedule:		
(a) Personal Services	2,119,475	
(b) Operating Expenses and Equipment	247,087	
Total of schedule	2,366,562	
Less estimated reimbursements	67,970	
Net appropriation	2,298,592	
155—For support of Neuropsychiatric Institute at University of California at Los Angeles, Department of Mental Hygiene, in accordance with the following schedule		4,326,217
Schedule:		
(a) Personal Services	3,383,059	
(b) Operating Expenses and Equipment	1,010,345	
Total of schedule	4,393,404	
Less estimated reimbursements	67,187	
Net appropriation	4,326,217	

Item		Amount
156—For support of Agnews State Hospital, in accordance with the following schedule		11,538,338
Schedule:		
(a) Personal Services	9,600,945	
(b) Operating Expenses and Equipment	2,036,995	
Total of schedule	11,637,940	
Less estimated reimbursements	99,602	
Net appropriation	11,538,338	
157—For support of Atascadero State Hospital, in accordance with the following schedule		4,775,951
Schedule:		
(a) Personal Services	4,010,538	
(b) Operating Expenses and Equipment	828,905	
Total of schedule	4,839,443	
Less estimated reimbursements	63,492	
Net appropriation	4,775,951	
158—For support of Camarillo State Hospital, in accordance with the following schedule		14,893,597
Schedule:		
(a) Personal Services	12,348,401	
(b) Operating Expenses and Equipment	2,796,487	
Total of schedule	15,144,888	
Less estimated reimbursements	251,291	
Net appropriation	14,893,597	
159—For support of DeWitt State Hospital, in accordance with the following schedule		6,791,383
Schedule:		
(a) Personal Services	5,541,824	
(b) Operating Expenses and Equipment	1,327,088	
Total of schedule	6,868,912	
Less estimated reimbursements	77,529	
Net appropriation	6,791,383	
160—For support of Mendocino State Hospital, in accordance with the following schedule		6,478,625

Item		Amount
Schedule:		
(a) Personal Services	5,396,731	
(b) Operating Expenses and Equipment	1,157,184	
Total of schedule	6,553,915	
Less estimated reimbursements	75,290	
Net appropriation	6,478,625	
161—For support of Metropolitan State Hospital, in accordance with the following schedule		10,193,782
Schedule:		
(a) Personal Services	8,240,883	
(b) Operating Expenses and Equipment	2,051,471	
Total of schedule	10,292,354	
Less estimated reimbursements	98,572	
Net appropriation	10,193,782	
162—For support of Modesto State Hospital, in accordance with the following schedule		7,008,014
Schedule:		
(a) Personal Services	5,750,800	
(b) Operating Expenses and Equipment	1,309,428	
Total of schedule	7,060,228	
Less estimated reimbursements	52,214	
Net appropriation	7,008,014	
163—For support of Napa State Hospital, in accordance with the following schedule		13,373,123
Schedule:		
(a) Personal Services	11,134,570	
(b) Operating Expenses and Equipment	2,378,863	
Total of schedule	13,513,433	
Less estimated reimbursements	140,310	
Net appropriation	13,373,123	
164—For support of Patton State Hospital, in accordance with the following schedule		12,709,897
Schedule:		
(a) Personal Services	10,512,988	
(b) Operating Expenses and Equipment	2,304,999	
Total of schedule	12,817,987	

Item		Amount
Less estimated reimbursements	108,090	
Net appropriation	12,709,897	
165—For support of Stockton State Hospital, in accordance with the following schedule		10,461,049
Schedule:		
(a) Personal Services	8,602,930	
(b) Operating Expenses and Equipment	1,961,711	
Total of schedule	10,564,641	
Less estimated reimbursements	103,592	
Net appropriation	10,461,049	
166—For support of Fairview State Hospital, in accordance with the following schedule		7,448,095
Schedule:		
(a) Personal Services	6,211,284	
(b) Operating Expenses and Equipment	1,291,903	
Total of schedule	7,503,187	
Less estimated reimbursements	55,092	
Net appropriation	7,448,095	
167—For support of Pacific State Hospital, in accordance with the following schedule		9,855,872
Schedule:		
(a) Personal Services	8,239,520	
(b) Operating Expenses and Equipment	1,772,426	
Total of schedule	10,011,946	
Less estimated reimbursements	156,074	
Net appropriation	9,855,872	
168—For support of Porterville State Hospital, in accordance with the following schedule		8,034,586
Schedule:		
(a) Personal Services	6,688,661	
(b) Operating Expenses and Equipment	1,406,481	
Total of schedule	8,095,142	
Less estimated reimbursements	60,556	
Net appropriation	8,034,586	
169—For support of Sonoma State Hospital, in accordance with the following schedule		11,595,814

Item		Amount
Schedule:		
(a) Personal Services	9,814,558	
(b) Operating Expenses and Equipment	1,920,267	
Total of schedule	11,734,825	
Less estimated reimbursements	139,011	
Net appropriation	11,595,814	
170—For support of Department of Public Health, in accordance with the following schedule		9,767,884
Schedule:		
(a) Personal Services	9,210,785	
(b) Operating Expenses and Equipment	3,856,650	
Total of schedule	13,067,435	
Less estimated amounts available from other sources:		
(c) Reimbursements	867,473	
(d) Estimated grants from the federal government or agencies thereof	2,432,078	
Net appropriation	9,767,884	
170.5—For support of Department of Public Health for a medical care studies unit, in accordance with the following schedule		50,000
Schedule:		
(a) Medical care studies unit	150,000	
Total of schedule	150,000	
Less estimated reimbursements	100,000	
Net appropriation	50,000	
provided, that no part of the General Fund shall be expended until other funds are made available for this purpose.		
171—For the support of Department of Public Health for supplemental laboratory services in the control of tuberculosis		55,000
172—For support of Motor Vehicle Pollution Control Board, Department of Public Health, in accordance with the following schedule		500,000
Schedule:		
(a) Personal Services	126,910	
(b) Operating Expenses and Equipment	373,090	
Total of schedule	500,000	

Item		Amount
173—For support of Department of Social Welfare. Such appropriation, together with any grants made available by the federal government for support of the Department of Social Welfare during the 1963-64 fiscal year, shall be expended in accordance with the following schedule		4,511,352
Schedule:		
(a) Personal Services	5,838,212	
(b) Operating Expenses and Equipment	1,753,121	
Total of schedule	7,591,333	
Less estimated amounts available from other sources:		
(c) Reimbursements	264,490	
(d) Estimated grants from the federal government	2,815,491	
Net appropriation	4,511,352	
provided, that any rule or regulation adopted by the State Social Welfare Board during the fiscal year 1963-64 which adds to the cost of any public assistance program shall only be effective from and after the date upon which it is approved as to availability of funds by the Department of Finance. All such additional costs shall be reported by the Department of Finance to the Joint Legislative Budget Committee quarterly.		
173.2—For additional support of Department of Social Welfare for the establishment of a public assistance quality control program to be allocated by the Department of Finance in amounts as it finds necessary and in addition any amounts received for this purpose from the Federal Government shall be available for expenditure.		50,000
174—For support of the Citizens' Advisory Committee on Aging, in accordance with the following schedule		66,663
Schedule:		
(a) Personal Services	44,555	
(b) Operating Expenses and Equipment	22,108	
Total of schedule	66,663	
HIGHWAY TRANSPORTATION		
175—For support of the Highway Transportation Agency, payable from the Motor Vehicle		

Item		Amount
Fund, in accordance with the following schedule		67,538
Schedule:		
(a) Personal Services	55,038	
(b) Operating Expenses and Equipment	12,500	
Total of schedule	67,538	
176—For support of Department of the California Highway Patrol, payable from the Motor Vehicle Fund, in accordance with the following schedule		40,909,497
Schedule:		
(a) Personal Services	31,624,445	
(b) Operating Expenses and Equipment	9,694,341	
Total of schedule	41,318,786	
Less estimated reimbursements	409,289	
Net appropriation	40,909,497	

provided, that no part of this appropriation shall be expended to establish or to reclassify additional uniformed supervisorial positions in addition to those provided for in the 1963-64 Budget; provided further, that no part of this appropriation shall be expended in payment for services of personnel assigned to enforce the provisions of the ordinances of any city or county; provided further, however, that this restriction shall not limit the authority of members of the California Highway Patrol to enforce any city or county ordinance as an incident to their assigned duties with respect to traffic law enforcement; provided further, that no expenditure shall be made from the appropriation made by this item in connection with the activities of the California Highway Patrol Auxiliary; provided further, that no expenditure from this appropriation shall be made for or relating to: (a) the temporary transfer for any duration of uniformed personnel from field commands to the Sacramento headquarters, (b) increasing the number of uniformed personnel at the Sacramento headquarters from the strength shown in the 1963-64 Budget, (c) the holding of senior staff or zone conferences at more than quarterly intervals, (d) uniformed personnel in the grade of lieutenant on the staff of zone commanders in zones II, III, IV,

Item		Amount
	and V, and (e) the inservice training of uniformed personnel at any place other than their normal duty station more frequently than once every four years; provided further, that the amount available to pay members of the California Highway Patrol in the classification of state traffic sergeant and state traffic officer for overtime working hours of duty performed in addition to those hours spent in the regular duty status shall be used to increase the available man-hours for road patrol and to prohibit state traffic sergeants and state traffic officers in the accumulation and use of compensatory time off in the fiscal year 1963-64. This shall not be construed as prohibiting the use of compensatory time off earned by these personnel in fiscal year 1962-63. These funds shall not be used to pay individuals, nor shall compensatory time off be accumulated and used for overtime in the performance of any of the following duties: 1. When in travel status. 2. When in a training status. 3. When assigned to desk or office duties. 4. When attending or participating in competitive pistol matches. 5. When participating in monthly pistol qualifications. 6. When attending monthly unit organizational meetings. The above limitations shall not preclude or be construed as preventing the State Personnel Board or the Department of the California Highway Patrol imposing any additional limitations which they may deem necessary for the proper administration of payment of overtime.	
177	—For payment of deficiencies in appropriations for the Department of the California Highway Patrol which may be authorized by the Director of Finance, with the consent of the Governor, pursuant to Section 11006 of the Government Code, the sum of $250,000, or so much thereof as may be necessary, payable from the Motor Vehicle Fund; provided, that amounts authorized from this item shall be made for purchase or operation of motor vehicles or purchase of required automobile accessories upon showing that such amounts	

Item		Amount
	are in excess of the amounts provided for in the appropriations to be augmented.	
178—For support of Department of Motor Vehicles, payable from the Motor Vehicle Fund, in accordance with the following schedule		33,858,601
Schedule:		
(a) Personal Services	31,608,581	
(b) Operating Expenses and Equipment	8,956,702	
Total of schedule	40,565,283	
Less estimated amounts available from other sources:		
(c) Reimbursements	1,305,750	
(d) Amount payable from Motor Vehicle License Fee Fund (Item 179)	5,400,932	
Net appropriation	33,858,601	
179—For support, Department of Motor Vehicles, payable from the Motor Vehicle License Fee Fund		5,400,932
to be transferred to the Motor Vehicle Fund in augmentation of Item 178, as provided by Section 11003 of the Revenue and Taxation Code.		
180—For payment of deficiencies in appropriations for the Department of Motor Vehicles which may be authorized by the Director of Finance, with the consent of the Governor, pursuant to Section 11006 of the Government Code, the sum of $350,000, or so much thereof as may be necessary, payable from the Motor Vehicle Fund.		
180.2—For the payment of severance pay, upon the completion of the San Pedro-Terminal Island Toll Bridge and the discontinuance of the operation of the existing ferry system between San Pedro and Terminal Island operated by the Harbor Department of the City of Los Angeles, by the Department of Public Works to each city employee employed in connection with the operation of such ferry system who is laid off from employment by the city as a result of the construction and operation of the toll bridge and the discontinuance of the ferry system, an amount equal to one month's pay for each year of service in connection with such ferry system up to a maximum of 15 years, the sum of $50,000, or so much		

Item			Amount
	thereof as may be necessary, payable from the Motor Vehicle Transportation Tax Fund.		
	These funds shall not be used to pay severance pay to any city employees who are offered permanent employment and who become permanent employees of any state agency under the following conditions:		
	1. The rate of pay shall be substantially the same as that received at the time operations are discontinued.		
	2. The place of employment shall be within a radius of 50 miles of San Pedro unless the employee, at his option, accepts employment at a place outside said 50-mile radius.		
	Any employee who accepts employment with a state agency and whose employment is terminated by said agency prior to the expiration of his probationary period for any reason which is the fault of said employee shall not be entitled to severance pay.		
	An employee eligible for retirement under the City Employees' Retirement System of the City of Los Angeles and accepts such retirement shall not be entitled to severance pay.		
181—For support of Division of Aeronautics, Department of Public Works, in accordance with the following schedule			115,958
Schedule:			
	(a) Personal Services	87,816	
	(b) Operating Expenses and Equipment	47,042	
	Total of schedule	134,858	
	Less estimated amounts available from other sources:		
	(c) Reimbursements	3,900	
	(d) Amount payable from the Airport Assistance Fund (Item 182)	15,000	
	Net appropriation	115,958	
182—For support of Division of Aeronautics, Department of Public Works, payable from the Airport Assistance Fund			15,000
182.1—For support of Division of Aeronautics, Department of Public Works, from moneys appropriated by Section 8352 of the Revenue and Taxation Code, before the apportion-			

Item		Amount
ments provided in Section 8352 of the Revenue and Taxation Code, payable from the Motor Vehicle Fuel Fund		15,000
184—For support of Division of Architecture, Department of Public Works, payable from the Division of Architecture Public Building Fund, in accordance with the following schedule		1,339,877
Schedule:		
(a) Personal Services	1,042,938	
(b) Operating Expenses and Equipment	296,939	
Total of schedule	1,339,877	

INDUSTRIAL RELATIONS

185—For support of Department of Industrial Relations, in accordance with the following schedule		14,882,795
Schedule:		
(a) Personal Services	12,124,855	
(b) Operating Expenses and Equipment	2,957,275	
Total of schedule	15,082,130	
Less estimated reimbursements	199,335	
Net appropriation	14,882,795	
186—For support of State Fire Marshal, in accordance with the following schedule		606,345
Schedule:		
(a) Personal Services	731,623	
(b) Operating Expenses and Equipment	163,516	
Total of schedule	895,139	
Less estimated amounts available from other sources:		
(c) Reimbursements	173,525	
(d) Amount payable from Dry Cleaners' Fund (Item 187)	115,269	
Net appropriation	606,345	
187—For support of State Fire Marshal, payable from the Dry Cleaners' Fund		115,269

JUSTICE

Item		Amount
188—For support of Department of Justice, in accordance with the following schedule		9,874,511
Schedule:		
(a) Personal Services	8,337,769	
(b) Operating Expenses and Equipment	2,402,799	
Total of schedule	10,740,568	
Less estimated reimbursements	866,057	
Net appropriation	9,874,511	
189—For support of Commission on Peace Officers' Standards and Training, payable from the Peace Officers' Training Fund, in accordance with the following schedule		74,531
Schedule:		
(a) Personal Services	47,636	
(b) Operating Expenses and Equipment	26,895	
Total of schedule	74,531	

MILITARY AFFAIRS

190—For support of Military Department, in accordance with the following schedule		3,001,152
Schedule:		
(a) Personal Services	2,411,912	
(b) Operating Expenses and Equipment	1,172,644	
Total of schedule	3,584,556	
Less estimated reimbursements	583,404	
Net appropriation	3,001,152	
provided, that no expenditures shall be made from this appropriation as a substitution for personnel, equipment, facilities, or other assistance, or for any portion thereof, which in the absence of such expenditure, or of this appropriation, would be available to the Adjutant General, the California National Guard or the California National Guard Reserve from the federal government.		
191—For payment of military retirements in accordance with the provisions of Sections 228 and 256, Military and Veterans Code, Military Department		44,189

REGULATION AND LICENSING

Item		Amount
192—For support of Department of Alcoholic Beverage Control, in accordance with the following schedule		4,211,266
Schedule:		
(a) Personal Services	3,294,237	
(b) Operating Expenses and Equipment	921,029	
Total of schedule	4,215,266	
Less estimated reimbursements	4,000	
Net appropriation	4,211,266	
193—For support of Alcoholic Beverage Control Appeals Board, in accordance with the following schedule		116,394
Schedule:		
(a) Personal Services	93,539	
(b) Operating Expenses and Equipment	22,855	
Total of schedule	116,394	
194—For support of California Districts Securities Commission, in accordance with the following schedule		72,363
Schedule:		
(a) Personal Services	70,675	
(b) Operating Expenses and Equipment	15,230	
Total of schedule	85,905	
Less estimated reimbursements for services to districts and other agencies	13,542	
Net appropriation	72,363	
195—For support of California Horse Racing Board, payable from the Fair and Exposition Fund, in accordance with the following schedule		216,331
Schedule:		
(a) Personal Services	142,067	
(b) Operating Expenses and Equipment	74,264	
Total of schedule	216,331	
196—For support of State Banking Department, Department of Investment, payable from the State Banking Fund, in accordance with the following schedule		841,761

Item		Amount
Schedule:		
(a) Personal Services	672,249	
(b) Operating Expenses and Equipment	169,512	
Total of schedule	841,761	
197—For support of Division of Corporations, Department of Investment, in accordance with the following schedule		2,839,026
Schedule:		
(a) Personal Services	3,111,404	
(b) Operating Expenses and Equipment	486,567	
Total of schedule	3,597,971	
Less estimated reimbursements	758,945	
Net appropriation	2,839,026	
198—For support of Department of Insurance, payable from the Insurance Fund, in accordance with the following schedule		2,622,453
Schedule:		
(a) Personal Services	2,144,255	
(b) Operating Expenses and Equipment	528,968	
Total of schedule	2,673,223	
Less estimated reimbursements	50,770	
Net appropriation	2,622,453	
199—For support of Division of Real Estate, Department of Investment, payable from the Real Estate Fund, in accordance with the following schedule		2,292,327
Schedule:		
(a) Personal Services	1,717,010	
(b) Operating Expenses and Equipment	885,590	
Total of schedule	2,602,600	
Less estimated amount available from other sources:		
(c) Amount payable from the Real Estate Education and Research Fund (Item 200)	310,273	
Net appropriation	2,292,327	

Item		Amount
200—For educational and research needs of the real estate industry in California, payable from the Real Estate Education and Research Fund ---------- to be allocated by the Department of Finance in amounts as it finds necessary to the University of California, exempt from Section 31 of this act and to the Division of Real Estate, Department of Investment, to carry out the provisions of Section 10451.5 of the Business and Professions Code.		552,333
201—For support of Division of Savings and Loan, Department of Investment, payable from the Savings and Loan Inspection Fund, in accordance with the following schedule----------		1,297,873
Schedule:		
(a) Personal Services ----------	999,274	
(b) Operating Expenses and Equipment ----------	299,199	
Total of schedule -------	1,298,473	
Less estimated reimbursements--	600	
Net appropriation -------	1,297,873	
202—For support of Board of Osteopathic Examiners of the State of California, payable from the Contingent Fund of the Board of Osteopathic Examiners, in accordance with the following schedule ----------		28,306
Schedule:		
(a) Personal Services --------	13,726	
(b) Operating Expenses and Equipment ----------	14,580	
Total of schedule--------	28,306	
203—For support of Board of Harbor Commissioners for Humboldt Bay----------		2,547
204—For support of Board of Pilot Commissioners for the Harbor of San Diego----------		1,435
205—For support of Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun, payable from the Board of Pilot Commissioners' Special Fund, in accordance with the following schedule----------		25,449
Schedule:		
(a) Personal Services ----------	17,691	
(b) Operating Expenses and Equipment ----------	7,758	
Total of schedule-------	25,449	

Item			Amount
206—For support of the Department of Professional and Vocational Standards, payable from the Professional and Vocational Standards' Fund, pursuant to the provisions of Sections 203 and 405 of the Business and Professions Code, in accordance with the following schedule			2,116,931
Schedule:			
(a) Personal Services	1,475,547		
(b) Operating Expenses and Equipment	809,421		
Total of schedule	2,284,968		
Less estimated reimbursements	168,037		
Net appropriation	2,116,931		
207—For support of State Board of Accountancy, payable from the Accountancy Fund, in accordance with the following schedule			304,421
Schedule:			
(a) Personal Services	90,803		
(b) Operating Expenses and Equipment	213,618		
Total of schedule	304,421		
208—For support of California State Board of Architectural Examiners, payable from the California State Board of Architectural Examiners' Fund, in accordance with the following schedule			107,785
Schedule:			
(a) Personal Services	66,184		
(b) Operating Expenses and Equipment	41,601		
Total of schedule	107,785		
209—For support of State Athletic Commission, in accordance with the following schedule			192,946
Schedule:			
(a) Personal Services	134,985		
(b) Operating Expenses and Equipment	57,961		
Total of schedule	192,946		
210—For support of State Board of Barber Examiners, payable from the State Board of Barber Examiners' Fund, in accordance with the following schedule			252,231

Item		Amount
Schedule:		
(a) Personal Services	70,566	
(b) Operating Expenses and Equipment	181,665	
Total of schedule	252,231	
211—For support of Cemetery Board, payable from the Cemetery Fund, in accordance with the following schedule		66,513
Schedule:		
(a) Personal Services	36,700	
(b) Operating Expenses and Equipment	29,813	
Total of schedule	66,513	
212—For support of Board of Chiropractic Examiners, payable from the State Board of Chiropractic Examiners' Fund, in accordance with the following schedule		104,792
Schedule:		
(a) Personal Services	39,135	
(b) Operating Expenses and Equipment	65,657	
Total of schedule	104,792	
213—For support of State Board of Registration for Civil and Professional Engineers, payable from the Professional Engineers' Fund, in accordance with the following schedule		422,033
Schedule:		
(a) Personal Services	266,429	
(b) Operating Expenses and Equipment	155,604	
Total of schedule	422,033	
214—For support of Collection Agency Licensing Bureau, Department of Professional and Vocational Standards, payable from the Collection Agency Fund, in accordance with the following schedule		246,624
Schedule:		
(a) Personal Services	134,155	
(b) Operating Expenses and Equipment	112,469	
Total of schedule	246,624	
215—For support of Contractors' State License Board, payable from the Contractors' License Fund, in accordance with the following schedule		1,509,853

Item		Amount
Schedule:		
(a) Personal Services	947,500	
(b) Operating Expenses and Equipment	562,353	
Total of Schedule	1,509,853	
216—For support of State Board of Cosmetology, payable from the Board of Cosmetology's Contingent Fund, in accordance with the following schedule		452,082
Schedule:		
(a) Personal Services	138,033	
(b) Operating Expenses and Equipment	314,049	
Total of schedule	452,082	
217—For support of Board of Dental Examiners of California, payable from the State Dentistry Fund, in accordance with the following schedule		162,818
Schedule:		
(a) Personal Services	97,129	
(b) Operating Expenses and Equipment	65,689	
Total of schedule	162,818	
218—For support of State Board of Dry Cleaners, payable from the Dry Cleaners' Fund, in accordance with the following schedule		305,470
Schedule:		
(a) Personal Services	91,975	
(b) Operating Expenses and Equipment	213,495	
Total of schedule	305,470	
219—For support of State Board of Funeral Directors and Embalmers, payable from the State Funeral Directors and Embalmers' Fund, in accordance with the following schedule		84,110
Schedule:		
(a) Personal Services	49,226	
(b) Operating Expenses and Equipment	34,884	
Total of schedule	84,110	
220—For support of Bureau of Furniture and Bedding Inspection, Department of Professional and Vocational Standards, payable from the Bureau of Furniture and Bedding Inspection Fund, in accordance with the following schedule		509,261

Item		Amount
Schedule:		
(a) Personal Services	125,781	
(b) Operating Expenses and Equipment	389,980	
Total of schedule	515,761	
Less estimated reimbursements	6,500	
Net appropriation	509,261	
221—For support of State Board of Guide Dogs for the Blind		2,605
222—For support of California State Board of Landscape Architects, payable from the State Board of Landscape Architects' Fund, in accordance with the following schedule		26,380
Schedule:		
(a) Personal Services	9,233	
(b) Operating Expenses and Equipment	17,147	
Total of schedule	26,380	
223—For support of Board of Medical Examiners of the State of California, payable from the Contingent Fund of the Board of Medical Examiners, in accordance with the following schedule		645,168
Schedule:		
(a) Personal Services	167,800	
(b) Operating Expenses and Equipment	477,368	
Total of schedule	645,168	
224—For support of the Board of Medical Examiners of the State of California, payable from the Contingent Fund of the Board of Medical Examiners from those moneys deposited under the provisions of Section 2614 of the Business and Professions Code, in accordance with the following schedule		17,328
Schedule:		
(a) Personal Services	4,955	
(b) Operating Expenses and Equipment	12,373	
Total of schedule	17,328	
225—For support of Board of Medical Examiners of the State of California, payable from the Physical Therapy Fund, in accordance with the following schedule		16,326

Item		Amount
Schedule:		
(a) Personal Services	4,578	
(b) Operating Expenses and Equipment	11,748	
Total of schedule	16,326	
226—For support of California Board of Nursing Education and Nurse Registration, payable from the California Board of Nursing Education and Nurse Registration Fund, in accordance with the following schedule		484,744
Schedule:		
(a) Personal Services	214,681	
(b) Operating Expenses and Equipment	270,063	
Total of schedule	484,744	
227—For support of State Board of Optometry, payable from the State Optometry Fund, in accordance with the following schedule		59,169
Schedule:		
(a) Personal Services	26,222	
(b) Operating Expenses and Equipment	32,947	
Total of schedule	59,169	
228—For support of California State Board of Pharmacy, payable from the Pharmacy Board Contingent Fund, in accordance with the following schedule		405,605
Schedule:		
(a) Personal Services	229,974	
(b) Operating Expenses and Equipment	177,731	
Total of schedule	407,705	
Less estimated reimbursements	2,100	
Net appropriation	405,605	
229—For support of Bureau of Private Investigators and Adjusters, Department of Professional and Vocational Standards, payable from the Private Investigator and Adjuster Fund, in accordance with the following schedule		145,096

Item		Amount
Schedule:		
(a) Personal Services	52,843	
(b) Operating Expenses and Equipment	99,603	
Total of schedule	152,446	
Less estimated reimbursements	7,350	
Net appropriation	145,096	
230—For support of Certified Shorthand Reporters Board, payable from the Shorthand Reporters' Fund, in accordance with the following schedule		27,796
Schedule:		
(a) Personal Services	5,275	
(b) Operating Expenses and Equipment	22,521	
Total of schedule	27,796	
231—For support of Board of Social Work Examiners of the State of California, payable from the Registered Social Workers' Fund, in accordance with the following schedule		35,998
Schedule:		
(a) Personal Services	21,080	
(b) Operating Expenses and Equipment	14,918	
Total of schedule	35,998	
232—For support of Structural Pest Control Board, payable from the Structural Pest Control Fund, in accordance with the following schedule		290,019
Schedule:		
(a) Personal Services	109,877	
(b) Operating Expenses and Equipment	180,142	
Total of schedule	290,019	
233—For support of Board of Examiners in Veterinary Medicine, payable from the Board of Veterinary Examiners' Contingent Fund, in accordance with the following schedule		37,965
Schedule:		
(a) Personal Services	5,572	
(b) Operating Expenses and Equipment	34,725	
Total of schedule	40,297	
Less estimated reimbursements	2,332	
Net appropriation	37,965	

Item		Amount
234—For support of Board of Vocational Nurse Examiners of the State of California, payable from the Vocational Nurse Examiners' Fund, in accordance with the following schedule		125,351
Schedule:		
(a) Personal Services	71,735	
(b) Operating Expenses and Equipment	53,616	
Total of schedule	125,351	
235—For support of Yacht and Ship Brokers Commission, payable from the Yacht and Ship Brokers' Fund, in accordance with the following schedule		25,666
Schedule:		
(a) Personal Services	22,307	
(b) Operating Expenses and Equipment	13,621	
Total of schedule	35,928	
Less estimated reimbursements	10,262	
Net appropriation	25,666	
236—For support of Public Utilities Commission of the State of California, in accordance with the following schedule		4,106,256
Schedule:		
(a) Personal Services	6,570,153	
(b) Operating Expenses and Equipment	1,448,018	
Total of schedule	8,018,171	
Less estimated amounts available from other sources:		
(c) Reimbursements	110,000	
(d) Amount payable from the Transportation Rate Fund (Item 237)	3,801,915	
Net appropriation	4,106,256	
237—For support of Public Utilities Commission of the State of California, payable from the Transportation Rate Fund		3,801,915

RESOURCES

238—For support of Resources Agency, in accordance with the following schedule		65,948
Schedule:		
(a) Personal Services	52,394	

Item		Amount
(b) Operating Expenses and Equipment	13,554	
Total of schedule	65,948	
239—For support of Department of Conservation, and in addition thereto any amounts received from sale of mineral information service, and an amount equal to that received under Section 2210 of the Public Resources Code from the sale of publications issued by the Division of Mines and Geology, in accordance with the following schedule		25,064,355
Schedule:		
(a) Personal Services	23,365,548	
(b) Operating Expenses and Equipment	7,384,604	
Total of schedule	30,750,152	
Less estimated amounts available from other sources:		
(c) Estimated reimbursements	4,708,263	
(d) Amount payable from Petroleum and Gas Fund (Item 240)	881,230	
(e) Amount payable from Subsidence Abatement Fund (Item 241)	96,304	
Net appropriation	25,064,355	
240—For support of Department of Conservation, in carrying out the functions of the Division of Oil and Gas, payable from the Petroleum and Gas Fund		881,230
241—For support of Department of Conservation, in carrying out the functions of the Division of Oil and Gas, payable from the Subsidence Abatement Fund		96,304
242—For allotment pursuant to Section 4006 of the Public Resources Code for the prevention and suppression of forest fires on state responsibility lands within the counties shown below, Department of Conservation, in accordance with the following schedule		1,526,127
Schedule:		
(a) Kern County	412,442	
(b) Los Angeles County	569,640	
(c) Marin County	132,463	
(d) Santa Barbara County	201,379	
(e) Ventura County	210,203	
Total of schedule	1,526,127	

Item	Amount
243—For direct allotment to the United States Forest Service, for prevention and suppression of forest fires on private and state-owned lands located within and adjacent to the boundaries of United States National Forests within this State, Department of Conservation	1,278,995
245—For white pine blister rust control on state and private lands, Department of Conservation; provided, that any amount expended from this item for the control of white pine blister rust on private lands must be matched by an expenditure of an equal amount from sources other than the appropriation made by this item. Control to be effected in accordance with Sections 4451 through 4459 of the Public Resources Code, and may be pursuant to an agreement which may provide for the advance of the State's contribution or any part thereof to the federal government	75,000
246—For emergency fire suppression and detection, and for the purposes provided by Section 4006.5 of the Public Resources Code, Department of Conservation, which may be transferred to Item 239 upon executive order of the Department of Finance	320,000
247—For forest insect control, Department of Conservation, to be expended in accordance with Sections 4451 through 4459 of the Public Resources Code	20,000
248—For wild land vegetation and soil mapping project in co-operation with the California Forest and Range Experiment Station of the United States Department of Agriculture and the University of California, Department of Conservation	116,111
249—For watershed research at the San Dimas Experimental Forest in co-operation with the California Forest and Range Experiment Station of the United States Department of Agriculture, Department of Conservation	23,472
250—For forest and fire research, Department of Conservation	173,002
251—For geological exploration in co-operation with United States Geological Survey, Department of Conservation	30,000
provided, that any amount withdrawn from this item must be matched by an expenditure of a like amount by the federal government in this State for this purpose.	

Item		Amount
252—For publication of portions of a state geologic map, Department of Conservation, and in addition any amounts received from sale of state geologic maps, in accordance with the following schedule		15,754
Schedule:		
(a) Operating Expenses	23,599	
Less estimated reimbursements	7,845	
Net appropriation	15,754	
253—For support of Department of Fish and Game, and for the maintenance and construction of fish screens and other stream improvements, payable from moneys in the Fish and Game Preservation Fund including revenues subject to the provisions of Section 13005 of the Fish and Game Code, which revenues are hereby appropriated to the extent required to meet the appropriation made by this item. The appropriation made by this item shall be expended in accordance with the following schedule		10,480,214
Schedule:		
(a) Personal Services	7,414,354	
(b) Operating Expenses and Equipment	4,086,418	
Total of schedule	11,500,772	
Less estimated reimbursements	1,020,558	
Net appropriation	10,480,214	
254—To pay the State's share of co-operation with the federal government in the purchase of land for game production, improvement of waterfowl areas and research in game management under the provisions of the Pittman-Robertson Act, and in fish restoration and management projects under the provisions of the Dingell-Johnson Act, and to make advances to meet the federal share, Department of Fish and Game, payable from moneys in the Fish and Game Preservation Fund including revenue subject to the provisions of Section 13005 of the Fish and Game Code, which revenues are hereby appropriated to the extent required to meet the appropriation made by this item, in accordance with the following schedule		1,278,828

Item		Amount
Schedule:		
(a) Pittman-Robertson Act State's share	214,032	
(b) Pittman-Robertson Act Advance for federal share	642,096	
(c) Dingell-Johnson Act State's share	105,675	
(d) Dingell-Johnson Act Advance for federal share	317,025	
Total of schedule	1,278,828	
255—For State's share of the expenses of the Pacific Marine Fisheries Commission, in accordance with the Pacific Marine Fisheries Compact, Department of Fish and Game, payable from moneys in the Fish and Game Preservation Fund, including revenues subject to the provisions of Section 13005 of the Fish and Game Code, which revenues are hereby appropriated to the extent required to meet the appropriation made by this item		26,600
256—For research in the development of commercial fisheries of the Pacific Ocean and of marine products, Marine Research Committee, payable from the Fish and Game Preservation Fund from revenues derived under the provisions of Section 8046 of the Fish and Game Code		113,205
257—For support of Wildlife Conservation Board, payable from the Wildlife Restoration Fund, in accordance with the following schedule		77,462
Schedule:		
(a) Personal Services	53,602	
(b) Operating Expenses and Equipment	23,860	
Total of schedule	77,462	
provided, that any money in the Wildlife Restoration Fund in excess of the appropriation made by this item shall continue to be available pursuant to Section 1352 of the Fish and Game Code.		
258—For support of Department of Parks and Recreation, and in addition thereto any amounts received from fees, rentals and other returns for the use of any state park area in accordance with the following schedule		8,811,125

Item		Amount
Schedule:		
(a) Personal Services	8,965,714	
(b) Operating Expenses and Equipment	3,082,604	
Total of schedule	12,048,318	
Less estimated amounts available from other sources:		
(c) Reimbursements	2,840,257	
(d) Amount payable from Small Craft Harbor Revolving Fund (Item 259)	396,936	
Net appropriation	8,811,125	
259—For support of Department of Parks and Recreation, in carrying out the functions of the Division of Small Craft Harbors, payable from the Small Craft Harbor Revolving Fund		396,936
260—For expenditure by Department of Water Resources, from moneys transferred to the Water Resources Revolving Fund, in accordance with the following schedule, payable from the Water Resources Revolving Fund		37,557,644
Schedule:		
(a) Personal Services	25,212,578	
(b) Operating Expenses and Equipment	13,749,077	
Total of schedule	38,961,655	
Less estimated reimbursements	1,404,011	
Net appropriation	37,557,644	
provided, that any remaining balances in the Water Resources Revolving Fund continue to be appropriated by and subject to Section 135 of the Water Code.		
261—For transfer to the Water Resources Revolving Fund to be transferred by the State Controller in such amounts as the Department of Finance may authorize for support of Department of Water Resources, including co-operative work with other agencies, in accordance with the following schedule		9,792,602
Schedule:		
(a) Basic data	2,664,745	
(b) Project planning	979,754	
(c) Operations	1,645,632	
(d) General investigations	3,185,914	
(e) Other activities	1,319,345	

Item		Amount
	(f) Services	18,632
	(g) General administration	5,678,509
	Less estimated reimbursements from programs:	
	(1) General Fund	1,498,560
	(2) Other	4,179,949
	(h) Reduction to be allocated to programs	21,420
	Total of schedule	9,792,602

provided, that the money so transferred be placed in a special account in that fund and shall not be available for expenditure after June 30, 1964, and any unencumbered balances shall be returned to the General Fund as of June 30, 1964; and provided further, that any amount withdrawn from this item and expended for work in the federal co-operative program must be matched by an expenditure of like amount by the federal government in this State for this purpose; and further provided, that $50,000 from (c) in the above schedule shall be available for Yuba River debris control subject to the provisions of Sections 340 through 342 of the Water Code; and further provided, that $47,500 of the funds provided in (d) above may be used only for federal-state co-operative beach erosion investigations.

262—For support of Department of Water Resources, for transfer to the Water Resources Revolving Fund, payable from the California Water Fund 78,300

to be transferred by the State Controller in such amounts as the Department of Finance shall authorize for conducting pre land acquisition recreation surveys; provided, that the moneys so transferred be placed in a special account in that fund and shall not be available for expenditure after June 30, 1964, and any unencumbered balances shall be returned to the California Water Fund as of June 30, 1964.

262.1—For transfer to the Water Resources Revolving Fund, to be transferred by the State Controller in such amounts as the Department of Finance may authorize to assess the impact of the United States Supreme Court's decision in Arizona v. California on the State's water program, to identify necessary modifications in the physical works of the

Item		Amount
State Water Program, to make necessary revisions in design and cost estimates, and to identify and evaluate alternative means of financing enlargement of the State Water Project, payable from the California Water Fund		124,499
263—For support of State Water Rights Board, and in addition any amounts received from filing fees for recordation of wells shall be expended in accordance with the following schedule		968,698
Schedule:		
(a) Personal Services	840,505	
(b) Operating Expenses and Equipment	187,193	
Total of schedule	1,027,698	
Less estimated reimbursements	59,000	
Net appropriation	968,698	
264—For support of Reclamation Board, in accordance with the following schedule		244,249
Schedule:		
(a) Personal Services	612,239	
(b) Operating Expenses and Equipment	271,857	
Total of schedule	884,096	
Less estimated reimbursements	639,847	
Net appropriation	244,249	
provided, that notwithstanding the provisions of Section 28 of this act, the amount of reimbursements in this item shall not exceed $639,847, plus an amount equivalent to any augmentation authorized for this appropriation.		
265—For support of Colorado River Board of California, in accordance with the following schedule		231,667
Schedule:		
(a) Personal Services	181,450	
(b) Operating Expenses and Equipment	50,217	
Total of schedule	231,667	
266—For support of Colorado River Boundary Commission, in accordance with the following schedule		63,713

Item		Amount
Schedule:		
(a) Personal Services	12,455	
(b) Operating Expenses and Equipment	51,258	
Total of schedule	63,713	
267—For support of Klamath River Compact Commission		5,333
268—For support of California-Nevada Interstate Compact Commission		49,971
269—For support of State Water Pollution Control Board and the regional water pollution control boards, in accordance with the following schedule		971,920
Schedule:		
(a) Personal Services	621,519	
(b) Operating Expenses and Equipment	626,901	
Total of schedule	1,248,420	
Less estimated amounts available from other sources:		
(c) Estimated grants from the federal government or agencies thereof	276,500	
Net appropriation	971,920	
270—For support of California Goose Lake Compact Commission		5,000
VETERANS AFFAIRS		
271—For support of Department of Veterans Affairs, in accordance with the following schedule		615,140
Schedule:		
(a) Personal Services	601,123	
(b) Operating Expenses and Equipment	152,017	
Total of schedule	753,140	
Less estimated amounts available from other sources:		
(c) From Veterans' Farm and Home Building Fund of 1943 (Item 272)	138,000	
Net appropriation	615,140	

Item			Amount
272—For support of Department of Veterans Affairs, payable from the Veterans' Farm and Home Building Fund of 1943 to be transferred to the General Fund in augmentation of Item 271.			138,000
273—For educational assistance to veterans and veterans' dependents, Department of Veterans Affairs, to be expended under the provisions of Sections 890 through 899 and Sections 981 through 981.7 of the Military and Veterans Code, in accordance with the following schedule			3,244,300
Schedule:			
(a) Educational assistance to veterans	2,544,300		
(b) Educational assistance to veterans' dependents	700,000		
Total of schedule	3,244,300		
274—For support of Veterans' Home of California, in accordance with the following schedule			3,384,215
Schedule:			
(a) Personal Services	4,025,084		
(b) Operating Expenses and Equipment	1,090,153		
Total of schedule	5,115,237		
Less estimated amounts available from other sources:			
(c) Reimbursements	65,710		
(d) Estimated grants from federal government	1,665,312		
Net appropriation	3,384,215		
provided, that none of the funds herein appropriated shall be expended for the payment of sick leave pay for member employees.			
275—For hospitalization and care of members, to be expended pursuant to Sections 1086.1 and 1086.2 of the Military and Veterans Code, Woman's Relief Corps Home			3,900
276—For support of United Spanish War Veterans Commission			3,400
RESERVE FOR CONTINGENCIES			
283—For Emergency Fund, to be expended only on written authorization of the Department of Finance for emergencies			1,000,000

Item		Amount
	provided, that loans may be made from the Emergency Fund to state agencies which derive their support from sources other than the General Fund, upon such terms and conditions for repayment as may be prescribed by the Department of Finance and any sum so loaned shall, if ordered by the Department of Finance, be transferred by the State Controller to the fund from which the support of the agency is derived. Emergencies within the meaning of this provision are hereby defined as contingencies for which no appropriation, or insufficient appropriation, has been made by law.	
284—For Emergency Fund, to be expended only on written authorization of the Department of Finance for emergencies, in augmentation of the appropriation made by Item 284, Budget Act of 1962		1,500,000
	Notwithstanding other provisions of this section, the appropriation made by this item is available for payment of expenditures incurred during the 1962-63 fiscal year.	
	MISCELLANEOUS	
286—For the State's contribution for the cost of a basic health benefits plan, for annuitants and other employees, in accordance with Sections 22828 and 22829 of the Government Code, which is not chargeable to any other appropriation		496,000
287—For allocation by executive order of the Department of Finance to the several state offices, departments, boards, bureaus, commissions, the Trustees of the California State Colleges, the Regents of the University of California and other state agencies, in augmentation of their respective appropriations for support or for other purposes, in such amounts as will provide for the employer federal contributions to the Old Age and Survivors Insurance Revolving Fund		5,000,000
	From each special fund in the State Treasury there is hereby appropriated an amount sufficient to provide for the employer federal contributions to the Old Age and Survivors Insurance Revolving Fund, which amount shall be made available by executive order of the Department of Finance in accordance with this item.	

Item		Amount
288—For claim of the Secretary of the State Board of Control, to be paid from the several funds, in accordance with the following schedule—		272,119
Schedule:		
(a) General Fund	191,433	
(b) Department of Agriculture Fund	397	
(c) Fish and Game Preservation Fund	441	
(d) State Highway Fund	29,928	
(e) Motor Vehicle Fund	2,842	
(f) Motor Vehicle Fuel Fund	4,228	
(g) Motor Vehicle License Fee Fund	321	
(h) Motor Vehicle Transportation Tax Fund	813	
(i) California Water Fund	1,034	
(j) California Museum of Science and Industry Fund	28	
(k) Contingent Fund of the Board of Osteopathic Examiners	50	
(*l*) Professional Engineers' Fund	10	
(m) Real Estate Fund	183	
(n) State Fair Fund	55	
(o) Transportation Rate Fund	187	
(p) Funds in the possession of and under the control of the 34th District Agricultural Association	7,182	
(q) Division of Architecture Revolving Fund	231	
(r) California Water Resources Development Bond Fund	80	
(s) San Francisco Harbor Improvement Fund	691	
(t) San Francisco Harbor Improvement Fund, San Francisco World Trade Center Authority	1,030	
(u) Special Deposit Fund, Studies in Geriatric Mental Illness	1,093	
(v) State Construction Program Fund	1,249	
(w) State School Building Aid Fund	1,092	
(x) Unemployment Fund	13	
(y) Unemployment Administration Fund	587	

Item		Amount
	(z) Unemployment Compensation Disability Fund	951
	(aa) Veterans' Farm and Home Building Fund of 1943	970
	(bb) San Pedro-Terminal Island Construction Fund	25,000
	Total of schedule	272,119
290	For transfer to the Special Deposit Fund from the San Francisco Harbor Improvement Fund	75,681

such transfer to be made by the State Controller upon order of the San Francisco Port Authority as determined and requested by the San Francisco World Trade Center Authority to be expended by the San Francisco World Trade Center Authority in the manner and for the purposes authorized under the provisions of the World Trade Center Authorities Act approved July 17, 1947, Chapter 1508, Statutes of 1947, including, but not limited to, expenses for surveys, plans, estimates, preliminary engineering and other expenses (preliminary or otherwise) incident to the acquisition, construction, financing, promotion and operation of a world trade center in the City and County of San Francisco; provided, that no withdrawals shall be made hereunder which in the opinion of the San Francisco Port Authority would prevent the San Francisco Port Authority from meeting its current obligations from said San Francisco Harbor Improvement Fund under the Harbors and Navigation Code. The San Francisco World Trade Center Authority and the San Francisco Port Authority shall agree in writing upon the terms and conditions for repayment of any amounts withdrawn from this appropriation, which agreement shall be subject to the approval of the Department of Finance, and which agreement may provide for repayment solely from the proceeds of the sale of revenue bonds issued with respect to the San Francisco World Trade Center under the provisions of said World Trade Center Authorities Act if and when sold. The said agreement from time to time may be modified by the parties thereto with the consent of the Department of Finance.

Except as may be provided by said agreement or any amendment or modification

Item	Amount
thereof, any return of said moneys to said San Francisco Harbor Improvement Fund shall not be subject to any provisions or limitations of Sections 10.4 and 10.5 or any other provision of the World Trade Center Authorities Act which otherwise might limit the source of or delay or postpone reimbursement of any appropriation, transfer, or advances by the State of California or any agency thereof.	
291—For augmentation of Service Revolving Fund to be transferred by the State Controller in such amounts and for such periods as the Department of Finance may authorize_____ provided, that any portion of this item may be used for purchase of equipment for the Printing Division.	661,168
292—For augmentation of the Service Revolving Fund, to be transferred by the State Controller in such amounts and at such times as funds are made available. Upon approval of the State Board of Control, the State Controller shall transfer to this item from any appropriation made from the General Fund by the provisions of Section 2 of this act that part of such appropriation which is intended to be used and is available for the purchase or replacement of automobiles.	
293—For refunding of payments of taxes, licenses, fees and other receipts which have been erroneously collected and deposited in the General Fund for the refund of which no other provision is made by law and for payment of prior judgments, liens or encumbrances pursuant to Section 12516, Government Code ___	20,000
294—For the payment of workmen's compensation benefits in conformance with the provisions of Sections 3201 through 6002 and Sections 6100 through 6149 of the Labor Code and Public Law 108, Chapter 225, 81st Congress, First Session, as adopted by Section 340, Military and Veterans Code, to state officers and employees whose salaries or wages at time of compensable injury or death were payable in whole or in part from the General Fund_____	3,000,000
295—For payment of the additional compensation for subsequent injury provided for by Sections 4750 through 4755 of the Labor Code, Department of Industrial Relations_____	900,000

Item		Amount
296—For payment of interest on order of the Director of Finance on transfers of money from any special fund, which is subject to investment, to the General Fund under Section 16310 of the Government Code, computed at a rate determined by the Department of Finance to be the rate of interest allowed interest bearing time deposits in banks for a similar period of time		385,000
297—For temporary transfers to the General Fund in accordance with Section 16310 of the Government Code, payable from the California Water Fund; provided, that this item does not authorize any transfer which will interfere with the object for which said California Water Fund was created.		

CAPITAL OUTLAY SECTION

SEC. 2.1. The following sums of money, or so much thereof as may be necessary, are hereby appropriated for expenditure during the 1963-64, 1964-65 and 1965-66 fiscal years. All such appropriations, unless otherwise herein provided, shall be paid out of the General Fund in the State Treasury.

AGRICULTURE

Item		Amount
298—For capital outlay, Department of Agriculture, in accordance with the following schedule		142,685
Schedule:		
(a) Construct virology section—Fresno Livestock and Poultry Pathology Laboratory	62,000	
(b) Equip virology section—Fresno Livestock and Poultry Pathology Laboratory	8,185	
(c) Minor projects	72,500	
Total of schedule	142,685	

CORRECTIONS

299.1—For capital outlay, Department of Corrections, in accordance with the following schedule		234,035
Schedule:		
(a) Minor projects	234,035	
Total of schedule	234,035	

to be allocated by the Department of Finance.

Item		Amount
309.1—For capital outlay, Department of the Youth Authority, in accordance with the following schedule		207,095
Schedule:		
(a) Minor projects	207,095	
Total of schedule	207,095	
to be allocated by the Department of Finance.		

EDUCATION

317—For capital outlay, California School for the Blind, in accordance with the following schedule		7,000
Schedule:		
(a) Minor projects	7,000	
Total of schedule	7,000	
318—For capital outlay, School for Cerebral Palsied Children, Southern California, in accordance with the following schedule		42,902
Schedule:		
(a) Equip new facility	42,902	
Total of schedule	42,902	
319—For capital outlay, California School for the Deaf, Berkeley, in accordance with the following schedule		66,275
Schedule:		
(a) Minor projects	1,275	
(b) Storm drainage facility	65,000	
Total of schedule	66,275	
320—For capital outlay, California School for the Deaf, Riverside, in accordance with the following schedule		6,050
Schedule:		
(a) Minor projects	6,050	
Total of schedule	6,050	

HIGHER EDUCATION

321—For capital outlay, University of California, exempt from Section 31 of this act, in accordance with the following schedule		974,700
provided, that withdrawals shall be as required to meet current obligations as certified by the University of California, notwithstanding any other provision of law.		

Item		Amount
Schedule:		
(a) Minor projects	974,700	
Total of schedule	974,700	
322.1—For capital outlay, California State Colleges, in accordance with the following schedule		585,800
Schedule:		
(a) Minor projects	585,800	
Total of schedule	585,800	
to be allocated by the Department of Finance.		
335—For capital outlay, California Maritime Academy, in accordance with the following schedule		39,695
Schedule:		
(b) Equip engineering building	39,695	
Total of schedule	39,695	

EMPLOYMENT

336—For capital outlay, Department of Employment, in accordance with the following schedule, payable from the Department of Employment Contingent Fund		657,500
Schedule:		
(a) Construct building addition —Stockton	270,000	
(b) Construct building addition —Bakersfield	165,000	
(c) Alter Employment Building —Sacramento	145,000	
(d) Preliminary plans	20,000	
(e) Minor projects	57,500	
Total of schedule	657,500	

FISCAL AFFAIRS

337—For capital outlay, Department of Finance, in accordance with the following schedule		2,476,260
provided, that any expenditure from this appropriation related to the project scheduled (a) will be reimbursed from any funds made available for that purpose out of the Public Building Construction Fund.		
Schedule:		
(a) Working drawings, office building—Sacramento	350,000	

Item		Amount
(b) Governor's Mansion—architectural design fees	60,000	
(d) Acquisition of site for office building—Sacramento	150,000	
(e) Acquisition of site for office building—Stockton	125,000	
(f) Alterations to Los Angeles office building	171,000	
(g) Alterations to Office Building No. 2 and Archives Building—Sacramento	158,200	
(h) Alterations to Library and Courts Building	84,060	
(i) Equip Retirement Building —Sacramento	90,000	
(k) Project planning, including working drawings for central heating and cooling plant, Sacramento	500,000	
(*l*) Land acquisition for radio vault and lookout sites	75,000	
(m) Alterations to State Capitol Building	713,000	
Total of schedule	2,476,260	
337.1—For capital outlay, 1-A District Agricultural Association, Department of Finance, in accordance with the following schedule		30,000
Schedule:		
(a) Master capital improvement plan	30,000	
Total of schedule	30,000	
338—For capital outlay, California Museum of Science and Industry, in accordance with the following schedule		137,460
Schedule:		
(a) Construct heating, ventilating and roof modification—Space Museum Building	130,260	
(c) Minor projects	7,200	
Total of schedule	137,460	

HEALTH AND WELFARE

339.1—For capital outlay, Department of Mental Hygiene, in accordance with the following schedule		538,190

Item		Amount
Schedule:		
(a) Minor projects	538,190	
Total of schedule	538,190	

to be allocated by the Department of Finance.

HIGHWAY TRANSPORTATION

355—For capital outlay, Department of the California Highway Patrol, in accordance with the following schedule, payable from the Motor Vehicle Fund 2,906,358

Schedule:

(a) Land acquisition for office—Bishop	50,000
(b) Land acquisition for office—Truckee	15,000
(c) Land acquisition for office—Placerville	12,500
(d) Land acquisition for office—San Luis Obispo	5,000
(e) Construct area office building—Placerville	159,000
(f) Construct area office building—San Luis Obispo	231,000
(g) Construct headquarters office building—Sacramento	1,990,000
(h) Construct area office building—Merced	63,418
(i) Construct office building—Truckee	300,000
(j) Minor projects	80,440
Total of schedule	2,906,358

provided, that none of the money appropriated in subdivision (g) of the above schedule shall be available for construction of, or allocation of space within, the project for use as a mobile radio dispatch center for area commands within Zone II.

356—For capital outlay, Department of Motor Vehicles, in accordance with the following schedule, payable from the Motor Vehicle Fund 1,796,235

Schedule:

(a) Land acquisition for office building and parking—Berkeley	275,000
(b) Land acquisition for office building and parking—Montebello	300,000

Item		Amount
(c) Land acquisition for office building and parking—Palo Alto	250,000	
(d) Land acquisition for office building and parking—Santa Maria	120,000	
(e) Construct office building—San Rafael	244,883	
(f) Construct office building—Bakersfield	347,500	
(g) Construct office building and street improvements—North Hollywood	69,000	
(h) Construct parking lot—Sacramento	160,000	
(i) Working drawings—Palo Alto	15,000	
(j) Minor projects	14,852	
Total of schedule	1,796,235	
357—For expenditure by Department of Public Works for research on highway safety, payable from the State Highway Fund—provided, such research is to be conducted jointly by Division of Highways, Department of Public Works, the Department of Motor Vehicles and the Department of the California Highway Patrol.		150,000

MILITARY AFFAIRS

358—For capital outlay, Military Department, in accordance with the following schedule		177,715
Schedule:		
(a) Project planning, working drawings and supervision of construction financed from federal funds	50,000	
(b) Minor projects	127,715	
Total of schedule	177,715	
358.5—Of the amount appropriated by Section 10.7 of this act, $95,000 may be expended by the Military Department for construction of an armory at Porterville.		

RESOURCES

359—For capital outlay, Department of Conservation, in accordance with the following schedule	735,628

Item		Amount
Schedule:		
(a) Land acquisition for Tulare County Ranger Unit headquarters	25,000	
(b) Land acquisition for Tuolumne County Ranger Unit headquarters	5,000	
(c) Land acquisition for lookouts and forest fire stations	21,500	
(d) Engineering, planning and inspection services	113,151	
(e) Minor projects	570,977	
Total of schedule	735,628	
360—For capital outlay, Department of Fish and Game, payable from the Fish and Game Preservation Fund, including revenues subject to the provisions of Section 13005 of the Fish and Game Code, which revenues are hereby appropriated to the extent required to meet the appropriation made by this item. The appropriation made by this item shall be expended in accordance with the following schedule		81,600
Schedule:		
(a) Construct water supply system, Kern River Hatchery	65,000	
(b) Minor projects	16,600	
Total of schedule	81,600	
361—For capital outlay, Department of Parks and Recreation, Division of Beaches and Parks, in accordance with the following schedule		4,129,416
Schedule:		
(b) Anza-Borrego Desert State Park—campground development at Culp Valley	213,100	
(c) Benbow Lake State Park—repairs to dam	84,105	
(d) Bolsa Chica State Park—beach erosion control	154,000	
(e) Clear Lake State Park—continuing development	144,400	
(f) Columbia Historic State Park—historic building restoration	121,500	
(h) El Capitan Beach State Park—continuing development	52,400	

Item		Amount
(i) Fort Ross State Historical Monument—general development	54,700	
(j) Henry Cowell Redwoods State Park—continuing development	107,300	
(k) Henry W. Coe State Park—initial development	174,700	
(*l*) Humboldt Redwoods State Park — restoration, erosion control and bank protection	139,350	
(m) Joshua Trees State Park—initial development	255,800	
(n) La Costa Beach State Park—general development	730,100	
(p) Picacho Recreational Area—boating facilities and campground development	71,800	
(q) Salton Sea State Park—water system development	749,512	
(r) San Buenaventura Beach State Park—beach erosion control	143,100	
(s) San Mateo Beaches State Park — continuing development	102,500	
(u) Squaw Valley State Park—general development planning	10,000	
(v) Minor projects	806,049	
(w) Los Encinos State Historical Monument—beautification of the grounds	15,000	
Total of schedule	4,129,416	
362—For capital outlay, Department of Water Resources, for transfer to Item 361, Department of Parks and Recreation, in accordance with the following schedule		689,000
Schedule:		
(a) Frenchman Reservoir — recreation facilities, access roads including paving	294,000	
(b) Antelope Valley Reservoir—recreation facilities, onshore development	300,000	
(c) Del Valle Reservoir—recreation facilities, onshore development	50,000	

Item		Amount
(e) San Luis Reservoir—recreation facilities, tree planting	45,000	
Total of schedule	689,000	

VETERANS AFFAIRS

363—For capital outlay, Veterans' Home of California, in accordance with the following schedule		82,750
Schedule:		
(a) Minor projects	82,750	
Total of schedule	82,750	

UNALLOCATED

364—For project planning, to be allocated by the Department of Finance, subject to approval by the State Public Works Board, to state agencies	125,000
The amount appropriated in this item is not to be construed as a commitment by the Legislature as to the amount of capital outlay funds it will appropriate in any future fiscal year.	
365—For miscellaneous repairs, improvements and equipment, to be allocated to state agencies by the Department of Finance upon the approval of the State Public Works Board	100,000

STATE CONSTRUCTION BOND ACT PROGRAM

SEC. 2.2. The following sums of money, or so much thereof as may be necessary, are hereby appropriated for expenditure during the 1963-64, 1964-65 and 1965-66 fiscal years for expenditure only for the programs contemplated by the State Construction Program Bond Act of 1955, the State Construction Program Bond Act of 1958, the State Construction Program Bond Act of 1962, or any State Construction Program Bond Act thereafter enacted. All such appropriations shall be paid out of the State Construction Program Fund.

CORRECTIONS

Item	Amount
366—For capital outlay, Conservation Program, Department of Corrections, in accordance with the following schedule, payable from the State Construction Program Fund	700,000

Item		Amount
Schedule:		
(a) Equip Southern Conservation Center Branch	700,000	
Total of schedule	700,000	
367—For capital outlay, Correctional Institution at Tehachapi, Department of Corrections, in accordance with the following schedule, payable from the State Construction Program Fund		98,800
Schedule:		
(a) Water development	98,800	
Total of schedule	98,800	
368—For capital outlay, Medical Facility, Department of Corrections, in accordance with the following schedule, payable from the State Construction Program Fund		69,200
Schedule:		
(a) Provide sewage facilities	69,200	
Total of schedule	69,200	
369—For capital outlay, California Rehabilitation Center, Department of Corrections, in accordance with the following schedule, payable from the State Construction Program Fund		122,600
Schedule:		
(a) Construct firehouse	122,600	
Total of schedule	122,600	
370—For capital outlay, California Institution for Women, Department of Corrections, in accordance with the following schedule, payable from the State Construction Program Fund		612,800
Schedule:		
(a) Construct feeding facilities	547,800	
(b) Equip adjustment center	65,000	
Total of schedule	612,800	
370.5—For capital outlay, California Men's Colony —East Facility, Department of Corrections, in accordance with the following schedule, payable from the State Construction Program Fund		11,250
Schedule:		
(a) Pumps for Whale Rock Dam water distribution system—partial cost	11,250	
Total of schedule	11,250	

Item		Amount
371—For capital outlay, Fricot Ranch School for Boys, Department of the Youth Authority, in accordance with the following schedule, payable from the State Construction Program Fund		4,000
Schedule:		
(a) Equip men's dormitory	4,000	
Total of schedule	4,000	
372—For capital outlay, Fred C. Nelles School for Boys, Department of the Youth Authority, in accordance with the following schedule, payable from the State Construction Program Fund		554,204
Schedule:		
(a) Equip two 50-boy living units	26,100	
(b) Construct two 50-boy living units	528,104	
Total of schedule	554,204	
373—For capital outlay, Northern California Youth Center, Department of the Youth Authority, in accordance with the following schedule, payable from the State Construction Program Fund		5,749,100
Schedule:		
(a) Construct institution—phase II	505,100	
(b) Construct central facilities—phase II	4,744,000	
(c) Working drawings for second institution	500,000	
Total of schedule	5,749,100	
374—For capital outlay, Youth Training School, Department of the Youth Authority, in accordance with the following schedule, payable from the State Construction Program Fund		68,308
Schedule:		
(a) Equip vocational and academic facilities—phase IV	68,308	
Total of schedule	68,308	
375—For capital outlay, Ventura School for Girls, Department of the Youth Authority, in accordance with the following schedule, payable from the State Construction Program Fund		51,230

Item		Amount
Schedule:		
(a) Equip living unit	36,230	
(b) Equip additional classrooms and offices	15,000	
Total of schedule	51,230	

HIGHER EDUCATION

376—For capital outlay, University of California, exempt from Section 31 of this act, in accordance with the following schedule, payable from the State Construction Program Fund provided, that withdrawals shall be as required to meet current obligations as certified by the University of California notwithstanding any other provision of law.		69,021,328
Schedule:		
(a) General planning studies, preliminary plans and programming	789,200	
(b) Equip intercampus library facility at Richmond	149,500	
(c) Acquisition of books for new campuses—step 2	600,000	
(d) Acquisition of land for Sierra Foothill Range Agricultural Field Station	100,000	
(e) Construct and equip Kearney Horticultural Field Station	357,800	
(f) Construct South Coast Agricultural Field Station—step 2	176,100	
(g) Acquisition of television equipment	177,228	
(h) Land acquisition—engineering field station—South	750,000	
(i) Equip Stephens Union alterations, step 1—Berkeley	93,000	
(j) Equip physical sciences lecture hall—Berkeley	47,000	
(k) Equip Le Conte Annex — Berkeley	457,000	
(*l*) Equip Barrows Hall—Berkeley	300,000	
(m) Equip Etcheverry Hall — Berkeley	900,000	
(n) Equip environmental design building—Berkeley	300,000	

Item	Amount
(o) Land acquisition — Anna Head School property — Berkeley	75,000
(p) Construct chemistry unit 2 — Berkeley	5,397,000
(q) Construct and equip alterations to Stephens Union, step 2—Berkeley	233,000
(r) Construct law building addition—Berkeley	980,700
(s) Working drawings for alterations to South Hall, step 1 —Berkeley	19,000
(t) Construct and equip alterations to the main library, project A—Berkeley	325,400
(u) Construct and equip a large testing machine facility at the Richmond Field Station	379,700
(v) Working drawings for addition to engineering materials laboratory—Berkeley	129,000
(w) Construct and equip facilities at the Richmond Field Station—Berkeley	305,100
(x) Land acquisition—general—Berkeley	200,000
(y) Construct general campus improvements—Berkeley	81,000
(z) Equip library expansion — Davis	181,800
(aa) Equip classroom and office unit 2—Davis	282,000
(bb) Equip vegetable crops controlled temperature storage facilities—Davis	30,000
(cc) Equip residence hall unit 6 —Davis	222,600
(dd) Construct utilities—Davis	392,200
(ee) Construct Agricultural Toxicology and Residue Research Laboratory—Davis	150,000
(ff) Construct humanities building—Davis	2,965,800
(gg) Construct physical sciences unit 2—Davis	3,910,300
(hh) Working drawings and site clearance for engineering building—Davis	228,000

Item	Amount
(ii) Construct and equip plant growth research laboratories, step 1—Davis	333,000
(jj) Construct and equip ecological research laboratory —Davis	117,700
(kk) Construct campus entrance road development—Davis	310,500
(*ll*) Construct library unit 1—Irvine	2,081,600
(mm) Construct social sciences and humanities unit 1—Irvine	2,680,000
(nn) Construct natural sciences unit 1—Irvine	3,964,800
(oo) Construct cafeteria—Irvine	787,600
(pp) Construct utilities and site development—Irvine	1,400,000
(qq) Equip social sciences unit 1 —Los Angeles	407,000
(rr) Equip chemistry - geology building addition—Los Angeles	500,000
(ss) Equip physics unit 2—Los Angeles	650,000
(tt) Equip north campus library unit 1—Los Angeles	387,200
(uu) Equip life sciences graduate instruction and research unit 2—Los Angeles	231,500
(vv) Construct central campus utilities and site development—Los Angeles	106,000
(ww) Construct main library alterations, step 1—Los Angeles	788,000
(xx) Construct administration building addition—Los Angeles	2,085,700
(yy) Construct school of dentistry unit 1 — Los Angeles Medical Center	4,924,100
(zz) Construct student health service expansion—Los Angeles Medical Center	838,300
(aaa) Working drawings for hospital and clinics unit 2B—Los Angeles Medical Center	196,200

Item	Amount
(bbb) Construct Ophthalmology Clinic—Los Angeles Medical Center	800,000
(ccc) Equip library addition, step 1—Riverside	177,700
(ddd) Equip agrichemicals and produce quality laboratory —Riverside	142,300
(eee) Construct utilities and site development in glasshouse area—Riverside	175,000
(fff) Construct site development—Riverside	183,600
(ggg) Working drawings for agricultural sciences building—Riverside	99,000
(hhh) Construct physical sciences unit 4—Riverside	3,119,500
(iii) Construct central cafeteria —Riverside	749,300
(jjj) Construct and equip agricultural extension facility —Riverside	298,400
(kkk) Equip building B—school of science and engineering —San Diego	500,000
(*lll*) Equip building C—school of science and engineering —San Diego	270,000
(mmm) Construct building E—school of science and engineering—San Diego	2,810,800
(nnn) Working drawings for building F—school of science and engineering—San Diego	106,000
(ooo) Construct general services and cafeteria building—San Diego	804,700
(ppp) Acquisition of books—San Diego Medical Center	150,000
(qqq) Construct additional teaching facilities — San Francisco	1,597,500
(rrr) Construct and equip alterations to laundry-storehouse building—San Francisco	147,000
(sss) Construct and equip surge research unit 1—San Francisco	140,000

Item	Amount
(ttt) Construct and equip clinics building addition for school of dentistry postgraduate program—San Francisco	116,000
(uuu) Land acquisition — San Francisco	200,000
(vvv) Equip speech and drama building—Santa Barbara	198,000
(www) Equip psychology building—Santa Barbara	330,000
(xxx) Land acquisition—Santa Barbara	476,000
(yyy) Acquisition of engineering laboratory equipment—Santa Barbara	100,000
(zzz) Construct and equip marine biology laboratory—Santa Barbara	480,400
(aaaa) Construct utilities and site development — Santa Barbara	99,100
(bbbb) Construct chemistry building—Santa Barbara	2,618,000
(cccc) Working drawings for engineering building — Santa Barbara	100,000
(dddd) Construct academic areas and dining facilities of residential college No. 1—Santa Cruz	1,005,000
(eeee) Construct and equip central services building—Santa Cruz	659,900
(ffff) Construct physical sciences unit 1—Santa Cruz	3,347,000
(gggg) Working drawings for library unit 1—Santa Cruz	92,500
(hhhh) Construct and equip utilities and site development—Santa Cruz	724,500
(iiii) Construct multipurpose unit—Irvine	1,730,500
Total of schedule	69,021,328

376.5—For capital outlay, University of California, exempt from Section 31 of this act, in accordance with the following schedule, payable from the State Construction Program Fund; provided, that withdrawals shall be as required to meet current obligations as certified by the University of California notwithstanding any other provision of law.

Item		Amount
	If grants of money from the federal government for health sciences projects become available for any one or more of the projects for which an appropriation is made in Item 376, Budget Act of 1963, Schedule (a) to (iiii) inclusive, with the result that the total amount required to be expended for that project from the state funds so appropriated is reduced, subject to the approval of the Director of Finance an amount of funds equal to the amount of the reduction may be transferred from the appropriation of Item 376, Budget Act of 1963, to Item 376.5, Budget Act of 1963, for use by the University of California as the State's contribution for any matching fund requirements for federal grants for any one or more of the projects relating to health sciences which are approved by the federal government for a federal grant and which also are among the projects listed below, as more particularly described in the report submitted by the Department of Finance pursuant to Senate Resolution No. 15 of the 1954 First Extraordinary Session, entitled "Report on State Building Construction Program" as revised March 7, 1962.	
	Schedule:	
	(a) Equip basic sciences unit 2A —Los Angeles Medical Center	1,385,000
	(b) Construct and equip clinics expansion — San Francisco Medical Center	1,255,000
	(c) Construct and equip school of dentistry unit and student health service expansion —Los Angeles Medical Center	1,565,200
	(d) Equip additional campus research facilities—San Francisco Medical Center	130,000
	(e) Equip physical rehabilitation unit—Los Angeles Medical Center	705,000
	(f) Working drawings, construct and equip alterations to Medical Sciences Building related to clinics expansion —San Francisco Medical Center	93,200

Item	Amount
(g) Working drawings, construct and equip hospital and clinics—unit 2B—Los Angeles Medical Center	7,844,300
(h) Working drawings, construct and equip expansion of teaching facilities to accommodate 128-student medical class—San Francisco Medical Center	230,000
(i) Working drawings, construct and equip additional space for activities displaced by expansion of teaching facilities—San Francisco Medical Center	267,600
(j) Working drawings, construct and equip alterations to county hospital facilities—step 1—San Diego Medical Center	887,800
(k) Equip health sciences instruction and research—unit 1—San Francisco Medical Center	800,000
(*l*) Working drawings and construct alterations to hospital clinic unit 1—Los Angeles Medical Center	73,500
(m) Working drawings and construct alteration to basic science unit 1—Los Angeles Medical Center	689,700
(n) Working drawings, construct and equip University of California hospital conversion—step 2—San Francisco Medical Center	2,019,900
(o) Working drawings, construct and equip medical sciences unit 1—Basic Sciences—San Diego Medical Center	10,669,600
(p) Preliminary plans for medical projects	100,000
Total of schedule	28,715,800
Less estimated amounts available from other sources	28,715,800
Net appropriation	0

Item		Amount
	provided, that no money transferred herein may be expended by the University of California except amounts for acquisition of land or other real property, amount needed for equipment, preliminary surveys, studies and planning and minor projects until the State Public Works Board and the Department of Finance have approved preliminary plans for the project to be financed from such time of transfer or appropriation for capital outlay; provided further, no major project for which a transfer or appropriation is made hereunder regarding which the Director of Finance or his authorized representative requests review of working plans shall be put out to bid until the working plans therefor have been approved by the Department of Finance; provided further, that no money transferred or appropriated herein may be spent for working drawings for any project as to which there has been made substantial change or changes from the preliminary plans as approved by the State Public Works Board and the Department of Finance unless there has first been obtained the approval of the Department of Finance to make such change or changes; provided further, that no money transferred or appropriated herein may be spent for equipment until prior approval for purchase of such equipment shall have been given by the Department of Finance. None of the money transferred herein shall be expended for actual construction prior to review of the project by the Legislature.	
377—For project planning, Trustees of the California State Colleges, subject to approval by the State Public Works Board, payable from the State Construction Program Fund		810,000
	The amount appropriated in this item is not to be construed as a commitment by the Legislature as to the amount of capital outlay funds it will appropriate in any future fiscal year.	
378—For capital outlay, State College for Alameda County, in accordance with the following schedule, payable from the State Construction Program Fund		3,557,000
	Schedule:	
	(a) Equip science building — phase I	719,000

Item		Amount
(b) Equip fine arts building—phase I	131,000	
(c) Equip fieldhouse and outdoor physical education facilities	43,500	
(d) Equip corporation yard and boiler plant	76,500	
(e) Construct music-classroom building	2,427,000	
(f) Working drawings for gymnasium	100,000	
(g) Working drawings for cafeteria	60,000	
Total of schedule	3,557,000	
379—For capital outlay, Chico State College, in accordance with the following schedule, payable from the State Construction Program Fund		5,083,400
Schedule:		
(a) Equip education-psychology building	87,400	
(b) Construct engineering building	1,876,000	
(c) Construct music-drama building	3,120,000	
Total of schedule	5,083,400	
380—For capital outlay, Fresno State College, in accordance with the following schedule, payable from the State Construction Program Fund		1,400,000
Schedule:		
(a) Equip biology classrooms—phase II	40,000	
(b) Construct library addition	1,294,000	
(c) Install electrical distribution system	66,000	
Total of schedule	1,400,000	
381—For capital outlay, Humboldt State College, in accordance with the following schedule, payable from the State Construction Program Fund		336,500
Schedule:		
(a) Equip marine fisheries facility	49,500	
(b) Remodel biological science building	132,000	

Item		Amount
(c) Equip biological sciences building	75,000	
(d) Land acquisition	80,000	
Total of schedule	336,500	
382—For capital outlay, Long Beach State College, in accordance with the following schedule, payable from the State Construction Program Fund		91,700
Schedule:		
(a) Equip health service building	64,700	
(c) Working drawings for industrial arts building	27,000	
Total of schedule	91,700	
383—For capital outlay, Los Angeles State College of Applied Arts and Sciences, in accordance with the following schedule, payable from the State Construction Program Fund		5,271,000
Schedule:		
(a) Equip classroom building No. 1—phase II	354,500	
(b) Equip science building—phase III	482,000	
(c) Construct engineering building addition	3,264,500	
(d) Working drawings for administration building addition (partial)	60,000	
(e) Land acquisition and construction—parking (partial)	1,000,000	
(f) Working drawings for classroom building No. 2 (partial)	110,000	
Total of schedule	5,271,000	
384—For capital outlay, Orange State College, in accordance with the following schedule, payable from the State Construction Program Fund		4,163,000
Schedule:		
(a) Equip science building—phase II	750,000	
(b) Equip outdoor physical education facilities	20,000	
(c) Construct gymnasium	3,200,000	
(d) Working drawings for library building	110,000	

Item		Amount
(e) Working drawings for site development—phase III	23,000	
(f) Land acquisition	60,000	
Total of schedule	4,163,000	
385—For capital outlay, Sacramento State College, in accordance with the following schedule, payable from the State Construction Program Fund		7,405,600
Schedule:		
(a) Construct science building	4,750,000	
(b) Construct music building	2,655,600	
Total of schedule	7,405,600	
386—For capital outlay, San Bernardino-Riverside State College, in accordance with the following schedule, payable from the State Construction Program Fund		250,000
Schedule:		
(a) Master plans and site development—phase I	100,000	
(b) Initial complement of library books—first increment	150,000	
Total of schedule	250,000	
387—For capital outlay, San Diego State College, in accordance with the following schedule, payable from the State Construction Program Fund		574,000
Schedule:		
(a) Equip life science building —phase III	324,000	
(b) Equip business-administration and mathematics building—phase I	200,000	
(c) Construct pedestrian overpass	50,000	
Total of schedule	574,000	
388—For capital outlay, San Fernando Valley State College, in accordance with the following schedule, payable from the State Construction Program Fund		1,076,063
Schedule:		
(a) Equip classroom building No. 1—phase I	434,000	
(b) Initial complement of equipment — engineering — phase III	142,063	
(c) Land acquisition	500,000	
Total of schedule	1,076,063	

Item		Amount
389—For capital outlay, San Francisco State College, in accordance with the following schedule, payable from the State Construction Program Fund		1,569,400
Schedule:		
(a) Equip psychology-air science building	212,200	
(b) Construct classroom building No. 3 addition	1,157,200	
(c) Construct music facility	200,000	
Total of schedule	1,569,400	
390—For capital outlay, San Jose State College, in accordance with the following schedule, payable from the State Construction Program Fund		1,338,725
Schedule:		
(a) Equip engineering building —phase II	750,000	
(b) Remodel Tower Hall	588,725	
Total of schedule	1,338,725	
provided, the Department of Finance conducts a study on the feasibility of remodeling Tower Hall before expenditures from (b) above are made; and provided further, that expenditures from (b) above may be made for the demolition of Tower Hall and the construction of classroom buildings.		
391—For capital outlay, Sonoma State College, in accordance with the following schedule, payable from the State Construction Program Fund		7,551,800
Schedule:		
(a) Initial complement of equipment—phase II	160,200	
(b) Equip outdoor physical education facilities and fieldhouse	43,800	
(c) Construct classroom building No. 1	2,830,000	
(d) Construct science building No. 1	2,828,000	
(e) Site development—phase II	626,800	
(f) Construct boiler plant	674,000	
(g) Initial complement of library books—2d increment	110,000	
(h) Working drawings for music classroom building	62,000	

Item		Amount
(i) Working drawings for physical education facility and pool	78,000	
(j) Working drawings for cafeteria	35,000	
(k) Working drawings for site development—phase III	104,000	
Total of schedule	7,551,800	
392—For capital outlay, South Bay State College, in accordance with the following schedule, payable from the State Construction Program Fund		350,000
Schedule:		
(a) Master plans and working drawings	200,000	
(b) Initial complement of library books—1st increment	150,000	
Total of schedule	350,000	
393—For capital outlay, Stanislaus State College, in accordance with the following schedule, payable from the State Construction Program Fund		1,021,500
Schedule:		
(a) Equip classroom building No. 1—phase I	100,000	
(b) Equip library building—phase I	50,000	
(c) Site development—phase II	810,000	
(d) Initial complement of library books—2d increment	11,500	
(f) Working drawings for gymnasium	50,000	
Total of schedule	1,021,500	
394—For capital outlay, California State Polytechnic College, in accordance with the following schedule, payable from the State Construction Program Fund		1,132,050
Schedule:		
(a) Offsite water development—San Luis Obispo Campus	453,750	
(b) Working drawings for biological science addition—San Luis Obispo Campus	67,500	
(c) Equip music-speech-drama building — Kellogg-Voorhis Campus	200,000	
(d) Equip engineering addition—Kellogg-Voorhis Campus	400,000	

Item		Amount
(e) Equip pools—Kellogg-Voorhis Campus	10,800	
Total of schedule	1,132,050	

HEALTH AND WELFARE

395—For capital outlay, Langley Porter Neuropsychiatric Institute, in accordance with the following schedule, payable from the State Construction Program Fund		250,000
Schedule:		
(a) Land acquisition for new institute phase II	250,000	
Total of schedule	250,000	
396—For capital outlay, Agnews State Hospital, in accordance with the following schedule, payable from the State Construction Program Fund		307,570
Schedule:		
(a) Remodel and modernize wards 22-24	302,570	
(b) Equip remodeled and modernized wards 22-24	5,000	
Total of schedule	307,570	
397—For capital outlay, Camarillo State Hospital, in accordance with the following schedule, payable from the State Construction Program Fund		481,900
Schedule:		
(b) Remodel and modernize wards 3 and 3A	463,900	
(c) Equip remodeled and modernized wards 3 and 3A	18,000	
Total of schedule	481,900	
397.5—For capital outlay, Department of Finance, in accordance with the following schedule, payable from the State Construction Program Fund		1,480,000
Schedule:		
(a) Construct laundry	1,480,000	
Total of schedule	1,480,000	

to be expended upon allocation by the Director of Finance to Camarillo State Hospital or to the California Men's Colony—East Facility.

Item		Amount
398—For capital outlay, Mendocino State Hospital, in accordance with the following schedule, payable from the State Construction Program Fund		308,910
Schedule:		
(a) Remodel and modernize ward 15	163,410	
(b) Equip remodeled and modernized ward 15	7,000	
(c) Additional alterations ward 7 and F—phase III	138,500	
Total of schedule	308,910	
399—For capital outlay, Modesto State Hospital, in accordance with the following schedule, payable from the State Construction Program Fund		255,000
Schedule:		
(a) Project planning for Mental Health Center—phase I	100,000	
(b) Demolition of temporary wards and relocation of utilities and roads for site preparation for Mental Health Center—phase I	155,000	
Total of schedule	255,000	
400—For capital outlay, Stockton State Hospital, in accordance with the following schedule, payable from the State Construction Program Fund		119,000
Schedule:		
(a) Equip addition to cottage G	119,000	
Total of schedule	119,000	
401—For capital outlay, Pacific State Hospital, in accordance with the following schedule, payable from the State Construction Program Fund		351,800
Schedule:		
(a) Air conditioning of ward buildings 2, 3, and 4	351,800	
Total of schedule	351,800	
402—For capital outlay, Porterville State Hospital, in accordance with the following schedule, payable from the State Construction Program Fund		24,024

Item		Amount
Schedule:		
(a) Equip acute hospital annex—phase II	24,024	
Total of schedule	24,024	
403—For capital outlay, Sonoma State Hospital, in accordance with the following schedule, payable from the State Construction Program Fund		1,455,455
Schedule:		
(a) Equip wards and treatment unit for severely handicapped patients	166,000	
(b) Replace boilers	99,585	
(c) Air conditioning of Tallman Nursery and Powers Cottage	167,750	
(d) Alterations and additions to radiology section—Chamberlain Hospital	154,500	
(e) Equip radiology with new X-ray equipment	73,100	
(f) Additional electrical services—phase II	80,100	
(g) Construct wards and treatment unit for severely handicapped patients	714,420	
Total of schedule	1,455,455	
RESOURCES		
404—For capital outlay, Department of Conservation, in accordance with the following schedule, payable from the State Construction Program Fund		2,749,882
Schedule:		
(a) Land acquisition for two forestry conservation camps	50,000	
(b) Land acquisition for Ben Lomond conservation camp	85,000	
(c) Construct Arnold forest fire station	114,950	
(d) Equip Arnold forest fire station	2,450	
(e) Construct Cayucos forest fire station	94,083	
(f) Equip Cayucos forest fire station	3,265	
(g) Construct Groveland forest fire station	99,450	

Item		Amount
	(h) Equip Groveland forest fire station	2,625
	(i) Construct Leggett Valley forest fire station	151,445
	(j) Equip Leggett Valley forest fire station	1,165
	(m) Construct Porterville forest fire station	113,252
	(n) Equip Porterville forest fire station	1,475
	(q) Construct Sierra Branch Center conservation camp	5,500
	(r) Equip Sierra Branch Center conservation camp	155,868
	(s) Construct two conservation camps—phase II	870,000
	(t) Equip two conservation camps—phase II	400,389
	(u) Construct two conservation camps—phase I	243,396
	(v) Equip two conservation camps—phase I	160,582
	(w) Construct Chino Conservation camp	20,000
	(x) Equip Chino conservation camp	174,987
	Total of schedule	2,749,882

UNALLOCATED

405—For project planning, to be allocated by the Department of Finance, subject to approval by the State Public Works Board, to state agencies, payable from the State Construction Program Fund 500,000

The amount appropriated in this item is not to be construed as a commitment by the Legislature as to the amount of capital outlay funds it will appropriate in any future fiscal year.

406—For project planning, to be allocated by the Department of Finance, subject to approval by the State Public Works Board, to state agencies, in augmentation of the appropriation made by Item 394, Budget Act of 1962, payable from the State Construction Program Fund 275,000

The amount appropriated in this item is not to be construed as a commitment by the Legislature as to the amount of capital outlay

Item		Amount

funds it will appropriate in any future fiscal year. Notwithstanding other provisions of this section, the appropriation made by this item is available for payment of expenditures incurred during the 1962-63 fiscal year.

406.5—If grants of money from the federal government for projects consisting of preliminary plans, working drawings, construction and equipment for academic and related facilities for institutions of higher education become available for any one or more of the projects for preliminary plans, working drawings, construction, and equipment for academic and related facilities for which an appropriation is made by this act, payable from the State Construction Program Fund, to the University of California, or to a state college, with the result that the total amount required to be expended for that project from the state funds so appropriated is reduced, subject to the approval of the Director of Finance an amount of funds equal to the amount of the reduction in a project may be transferred from the appropriations contained in this act for use by the University of California, and an amount equal to the amount of the reduction in a project for a state college may be transferred for use by the state colleges, and are hereby appropriated for projects listed below for academic and related facilities for the University of California or the state colleges as more particularly described in the report submitted by the Department of Finance pursuant to Senate Resolution No. 15 of the 1954 First Extraordinary Session, entitled "Report on State Building Construction Programs," as revised March 7, 1962, as the State's contribution for any matching requirements for federal grants for any one or more of the projects for academic and related facilities for institutions of higher education which are approved by the federal government for a federal grant.

UNIVERSITY OF CALIFORNIA

Schedule:

(a)	Equip addition to chemistry-geology building, Los Angeles	250,000

Item		Amount
(b)	Equip environmental design building, Berkeley	427,000
(c)	Equip biochemistry building, Berkeley	471,000
(d)	Equip school of science and engineering building D, San Diego	720,000
(e)	Equip physical sciences unit No. 3, Riverside	450,000
(f)	Equip humanities building, Davis	283,000
(g)	Equip physical sciences unit No. 2, Davis	737,000
(h)	Equip building E, San Diego	425,000
(i)	Equip chemistry unit 2, Berkeley	500,000
(j)	Working drawings for addition to Franz Hall—step 2, Los Angeles	131,200
(k)	Construct engineering building, Davis	3,900,000
(*l*)	Working drawings for mathematical science building, Berkeley	163,000
(m)	Equip natural science building, Santa Barbara	532,000
(n)	Construct engineering unit No. 1, Santa Barbara	3,054,900
(o)	Working drawings and construction for classroom and office unit No. 1, Riverside	1,599,600
(p)	Construct agricultural science building, Riverside	2,906,600
(q)	Construct additions to engineering material laboratory, Berkeley	3,687,700
	Total of schedule	20,238,000
	Less estimated amounts from other sources	20,238,000
	Net appropriation	0

STATE COLLEGES

(r)	Equip engineering addition —phase II, California State Polytechnic College	1,000,000
(s)	Equip science classroom building—phase III, Orange State College	500,000

Item	Amount
(t) Equip engineering building —phase I, San Jose State College	750,000
(u) Initial complement of equipment—phase III, Sonoma State College	100,000
(v) Equip business administration and mathematics building, Phase II, San Diego State College	500,000
(w) Equip classroom building No. 1—phase II, Stanislaus State College	200,000
(x) Equip library building—phase II, Stanislaus State College	150,000
(y) Equip classroom building No. 3 addition, San Francisco State College	150,000
(z) Equip physical education building addition, Long Beach State College	150,000
(aa) Equip library addition, Fresno State College	150,000
(bb) Equip engineering building —phase I, San Fernando Valley State College	750,000
(cc) Construct library building, Orange State College	4,000,000
(dd) Construct music classroom building, Sonoma State College	1,690,000
(ee) Construct industrial arts building No. 2, Long Beach State College	760,000
(ff) Construct gymnasium, Stanislaus State College	2,000,000
(gg) Equip music, speech, drama classroom building, Orange State College	500,000
(hh) Equip classroom building, San Jose State College	100,000
(ii) Construct classroom No. 2, Los Angeles State College of Applied Arts and Sciences	3,900,000
(jj) Construct language arts building, Long Beach State College	2,000,000
(kk) Working drawings for business classroom building, San Jose State College	175,000

Item		Amount
(*ll*) Working drawings for library addition, San Diego State College	75,000	
(mm) Working drawings for humanities classroom building, San Diego State College	95,000	
(nn) Working drawings for classroom building No. 5, San Francisco State College	60,000	
(oo) Working drawings for classroom building No. 5 addition—engineering, San Francisco State College	100,000	
Total of schedule	19,855,000	
Less estimated amounts from other sources	19,855,000	
Net appropriation	0	

provided, that no amount of money payable from the State Construction Program Fund may be transferred and appropriated for projects described above unless federal grant money, as described in this item, is available after full consideration has been given to projects contained in this act; provided further, that no money transferred herein may be expended until the State Public Works Board and the Department of Finance have approved preliminary plans for the project to be financed from such time of transfer or appropriation for capital outlay.

None of the money transferred herein shall be expended for working drawings or actual construction prior to review of the project by the Legislature.

STATE BEACH AND PARK ACQUISITION PROGRAM

SECTION 2.25. The following sums of money, or so much thereof as may be necessary, are hereby appropriated from the General Fund for expenditure during the 1963-64, 1964-65 and 1965-66 fiscal years.

Item		Amount
406.8.—For capital outlay, Department of Parks and Recreation, in accordance with the following schedule		19,110,000
Schedule:		
(a) Montana de Oro—Real property acquisition	3,000,000	

Item		Amount
(b)	Wilderness Park—Real property acquisition	800,000
(c)	San Bernardino Mountains —Real property acquisition	2,600,000
(d)	Mount St. Helena — Real property acquisition	2,500,000
(e)	Carlsbad Beach—Real property acquisition	20,000
(f)	San Mateo Beaches—Real property acquisition	2,000,000
(g)	Dry Lagoon Beach — Real property acquisition	50,000
(h)	Point Dume—Real property acquisition	600,000
(i)	San Simeon Beach — Real property acquisition	450,000
(j)	Puddingstone Reservoir—Real property acquisition	1,300,000
(k)	Gaviota Beach—Real property acquisition	130,000
(*l*)	Trinidad Beach—Real property acquisition	300,000
(m)	Santa Cruz Beaches—Real property acquisition	1,000,000
(n)	Picacho—Real property acquisition	250,000
(o)	Castle Crags—Real property acquisition	300,000
(p)	Standish-Hickey—Real property acquisition	250,000
(q)	Anza Borrego—Real property acquisition	200,000
(r)	Malakoff-North Bloomfield—Real property acquisition	550,000
(s)	Benbow Lake—Real property acquisition	350,000
(t)	Mount Diablo—Real property acquisition	1,300,000
(u)	Russian Gulch—Real property acquisition	160,000
(v)	Opportunity purchase—Real property acquisition	1,000,000
	Total of schedule	19,110,000

LOCAL ASSISTANCE SECTION

SEC. 2.3. The following sums of money, or so much thereof as may be necessary unless otherwise provided herein, are hereby appropriated for the use and support of the State of California for the 1963-64 fiscal year beginning July 1, 1963, and ending June 30, 1964. All such appropriations, unless otherwise herein provided, shall be paid out of the General Fund in the State Treasury.

Whenever by constitutional or statutory provision the revenues or receipts of any institution, department, board, bureau, commission, officer, employee, or other agency, or any moneys in any special fund created by law therefor, are to be used for salaries, support or any proper purpose, expenditures shall be made therefrom for any such purposes to the extent only of the amount herein appropriated, unless otherwise stated herein, or authorized pursuant to Section 11006, Government Code.

Appropriations for purposes not otherwise provided for herein which have been heretofore made by any existing constitutional or statutory provision shall continue to be governed thereby.

CORRECTIONS

Item	Amount
407—For reimbursements to counties for maintenance of juvenile homes and camps, Department of the Youth Authority, to be expended in accordance with the provisions of Sections 880 through 890 of the Welfare and Institutions Code	2,643,230
408—For payment of the State's share, as determined by the Department of Finance, of expenses incurred by local agencies in supervising and controlling juveniles as defined by Sections 600 to 607, inclusive, Welfare and Institutions Code, at the international border between California and Mexico, pursuant to Section 1760(d) of said code, Department of the Youth Authority	13,500
409—For reimbursements to counties for construction of juvenile homes and camps, Department of the Youth Authority, to be expended in accordance with Section 891 of the Welfare and Institutions Code	455,425
Notwithstanding other provisions of this section, the amount made available by this item shall be available for expenditure until June 30, 1965; provided, that not more than $684,575 of said amount may be expended during the 1963-64 fiscal year.	

EDUCATION

Item		Amount
410—For support of child care centers, Department of Education, to be apportioned by the department in the manner provided by Section 11 of Chapter 1427, Statutes of 1953, as amended, directly to school districts maintaining child care centers pursuant to Sections 16601 through 16640 and Sections 16645.1 through 16645.27 of the Education Code		5,711,299
410.5—For additional support of child care centers, Department of Education, to be apportioned to school districts maintaining child care centers pursuant to Sections 16601 through 16640 of the Education Code provided, that this appropriation shall be used only for the support of child care centers authorized to terminate on or before June 30, 1964.		26,000
411—For transfer by State Controller to the Teachers' Retirement Fund for State Teachers' Retirement System		46,300,000
413—For publishing, purchasing and shipping free textbooks, Department of Education, in accordance with the following schedule		10,835,459
Schedule:		
(a) Personal Services	110,955	
(b) Operating Expenses and Equipment	10,744,504	
Total of schedule	10,855,459	
Less estimated reimbursements	20,000	
Net appropriation	10,835,459	

provided, that none of the moneys appropriated by this item may be expended for publishing, purchasing or shipping any textbook, which has been conditionally approved or adopted by the State Board of Education subject to the condition that revisions will be made in such textbook by the publisher, unless and until such revisions have been made to the complete satisfaction of said board.

Provided, that none of this appropriation shall be available to finance contracts in respect to the new basic textbook adoptions set forth on pages 975 and 976 of the Governor's Budget for the 1963-64 fiscal year in which the total price, including sales and use tax, for any textbook submitted on a finished book basis exceeds by more than 13 percent

Item	Amount
the average of the three highest total prices for a competitive textbook submitted on the basis of leasing plates to the State or in which said total price for any such textbook exceeds by more than 13 percent the sum of the manufacturing cost of such textbook as estimated by the State Department of Finance, and the average royalty cost of the three highest priced competitive textbooks, except that upon a finding by the State Board of Education that a book submitted on a finished book basis is clearly superior in quality and utility to others submitted on a leased plate basis, this appropriation shall be available to finance contracts at a cost to be agreed upon by the State Board of Education if such cost does not exceed by more than 13 percent the sum of the manufacturing cost of such textbook as estimated by the State Department of Finance and the average royalty cost of the three highest priced competitive textbooks. Provided further, that none of this appropriation shall be available to finance contracts for textbooks adopted as supplemental textbooks by the State Board of Education during the 1962-63 fiscal year in which the unit price, including sales and use tax, for any textbook submitted on a finished book basis exceeds the unit manufacturing cost of such textbook as estimated by the State Department of Finance, multiplied by the average of the ratios of the total computed unit cost of each other supplementary textbook submitted to the State on a leased plate basis for the same grade level to the unit manufacturing cost of each such other textbook, plus 13 percent of the unit manufacturing cost of the textbook which is offered on a finished book basis. This paragraph and not the preceding paragraph applies to contracts for those textbooks adopted as supplementary textbooks by the State Board of Education during the 1962-63 fiscal year which are listed as basic textbooks on pages 975 and 976 of the 1963-64 Governor's Budget. For the purposes of this item, three means all if fewer than three competitive textbooks are submitted on a leased plate basis and textbooks includes teachers' manuals or editions. The Department of Finance shall maintain a procedure which will indicate any cases in	

Item		Amount
	which the numbers and estimated costs of textbooks represented in printing orders placed during the budget year vary from the amounts contained in the budget schedule submitted by the Department of Education upon which this item of appropriation is based, and the Department of Finance shall unallot all amounts which are made available because of such differences. Upon presentation of need, the Department of Finance may reallot such funds as it finds necessary. It shall report all such actions to the Joint Legislative Budget Committee prior to August 1, 1964.	
415—For vocational education programs in public school districts conducted under the provisions of Sections 6251 through 6254 of the Education Code, Department of Education, in accordance with the following schedule		230,271
	Schedule:	
	(a) Payments to public school districts	6,498,294
	Total of schedule	6,498,294
	Less estimated amounts available from other sources:	
	(b) Federal grants	6,268,023
	Net appropriation	230,271
	HEALTH AND WELFARE	
416—For assistance to local agencies in the establishment and operation of mental health services, in accordance with the provisions of Division 8 of the Welfare and Institutions Code		3,450,000
418—For assistance to counties, and cities and counties, to be expended for services to physically handicapped children, including children diagnosed as suffering from phenylketonuria in accordance with provisions of Sections 249 through 271 of the Health and Safety Code, Department of Public Health		8,673,419
	provided, that $1,824,900 shall be for statewide diagnoses; not to exceed $50,000 shall be for state care of physically handicapped children whose county of residence cannot be established and the balance of this appropriation shall be made available to the several counties as follows:	
	(a) The State Department of Public Health shall allocate to each county and city	

Item	Amount

and county an amount which, when added to the amount provided by the county or city and county pursuant to Section 270 of the Health and Safety Code, shall equal three times the amount provided by the county or city and county pursuant to Section 270 of the Health and Safety Code, or shall equal the sum needed for the fiscal year as estimated by the State Department of Public Health and approved by the county or city and county not to exceed twenty thousand dollars ($20,000), whichever is the greater.

(b) If the amount allocated to any county or city and county pursuant to subsection (a) when added to the sum provided by the county or city and county pursuant to Section 270 of the Health and Safety Code, is less than the sum needed for the fiscal year as estimated by the State Department of Public Health and approved by the county or city and county, the State Department of Public Health shall make available to the county or city and county an additional amount not to exceed twice any amount provided by the county or city and county in addition to that required by Section 270 of the Health and Safety Code.

(c) For the purpose of administration by independent counties there shall be allocated an amount equal to two-thirds of the expenditures for the local administration of each independent county's program, made in accordance with a budget approved by the Department of Public Health; provided, however, that such amount shall not exceed 6⅔ percent of the gross total expenditures for diagnosis and treatment by that county in the preceding fiscal year.

(d) No funds may be allocated to any county with a population of 200,000 or more as of the first day of the fiscal year specified in Section 2.3 of this act, unless such county is independently administering the program; provided, however, during the first six months of the first fiscal year in which any county is affected by this provision, and after notification to the Department of Public Health by a county that action is being taken to assume independent administration of the program, payments may continue to be made on behalf of such county by the State.

Item		Amount
	(e) Expenditures made under this item to reimburse counties and cities and counties for the State's share of the cost of such services shall be charged to the fiscal year in which the county or city and county issues its warrant in payment of such services. Expenditures made under this item on behalf of counties or cities and counties for the cost of such services shall be charged to the year in which the warrant is issued by the State Controller.	
419	For assistance to counties, and cities and counties, for maintenance of tuberculosis sanatoria, Department of Public Health—including an additional amount of two dollars and forty-four cents ($2.44) per patient-day in accordance with Sections 3300 and 3301 of the Health and Safety Code; leasing of facilities in accordance with Section 3295 of the Health and Safety Code; and reimbursement of burial expenses in accordance with Section 3296 of the Health and Safety Code.	2,962,503
420	For assistance to counties by the establishment of local health services in accordance with Section 1157 of the Health and Safety Code, Department of Public Health	414,249
421	For assistance to cities, counties, local health agencies and local health districts for the establishment of minimum standards of personnel, organization and administration of local health departments, in accordance with the provisions of Chapter 8, Part 2, Division 1 of the Health and Safety Code, Department of Public Health	4,109,244
422	For subsidies to local districts for research regarding the control of gnats as provided by Sections 2425 and 2426 of the Health and Safety Code, Department of Public Health—provided, that the Department of Public Health shall not allocate any of the money appropriated by this item to a local district unless and until money equal to or in excess of the amount proposed to be allocated by the department to the local district shall be made available by the local district for expenditure for the purpose for which the allocation is to be made, to the end that any sums allocated by the department shall be matched by like or greater amounts from sources other than the State Treasury or funds of any agency which	50,000

Item		Amount
	is a part of the executive department of the state government.	
423	For research, demonstrations and assistance to local agencies for reporting the incidence of mosquitoes as provided by Sections 2425 and 2426 of the Health and Safety Code, Department of Public Health	208,767
424	For assistance to local agencies for the treatment of physically handicapped minors by physical and occupational therapy to be provided in special schools and classes with assignment of therapists based on the number of children with cerebral palsy requiring therapy and that treatment be made available for other disabling conditions only on a "time available" basis, Department of Public Health. Of the amount herein appropriated there may be expended so much as may be necessary by the Department of Public Health to furnish therapeutic services in those areas where it deems the local agencies are unable or not ready to employ personnel directly	1,420,379
	provided, that all therapists will be transferred to the employment of local agencies by July 1, 1964.	
425	For assistance to cities, counties, cities and counties, and local hospital districts in the construction of hospital facilities, Department of Public Health, to be expended under provisions of the California Hospital Survey and Construction Act	9,595,936
	and in addition thereto any amounts remaining unexpended on June 30, 1963, in the appropriation made by Item 407, Budget Act of 1962.	
426	For the cost of local administration of public assistance for which federal grants-in-aid are made to the State; for in-service training and for scholarship or educational leave stipends to increase the supply of trained child welfare and public assistance personnel for county welfare departments; for grants or services to local communities for the extension of child welfare services; for the cost of local projects in the administration of public assistance and child welfare services and for grants to local public agencies pursuant to contracts with said agencies for the promotion and development of activities in behalf of aged persons, Department of Social Welfare	890,395

Item		Amount
	Such appropriation, together with any grants made available by the federal government for this purpose shall be expended in accordance with the following schedule.	
	Schedule:	
	(a) County Administration of Assistance programs	34,787,000
	(b) Training	765,180
	(c) Child Welfare Services	392,234
	(d) Special Projects	2,069,369
	Total of schedule	38,013,783
	Less estimated amounts available from other sources:	
	(e) Estimated grants from the federal government	37,123,388
	Net appropriation	890,395
427	For reimbursement of expenses incurred by counties and cities in maintaining approved services for the licensing and inspection of agencies for child care and home finding, and agencies for the care of the aged, to be expended in accordance with the provisions of Sections 1622 and 2302 of the Welfare and Institutions Code, and for reimbursement to counties for the cost of the adoption programs and care of children, to be expended in accordance with the provisions of Sections 1640 through 1644 of the Welfare and Institutions Code, Department of Social Welfare, to be expended in accordance with the following schedule	5,565,787
	Schedule:	
	(a) For local inspection of homes and agencies caring for aged and children	1,491,840
	(b) For reimbursement to counties for administration and cost of care of adoptions	4,073,947
	Total of schedule	5,565,787
	provided, that all or any portion of this appropriation may be transferred to Item 173 for support of Department of Social Welfare, upon order of the Department of Finance.	

HIGHWAY TRANSPORTATION

Item		Amount
428—For allocation and expenditure by the Public Utilities Commission to assist cities, counties, and cities and counties in paying their share of the cost of constructing grade crossing protection works, in augmentation of Chapter 1302 of the Statutes of 1961, payable from the State Highway Fund ---------- The appropriation made by this item shall be available without regard to fiscal years.		175,000

RESOURCES

429—For expenditure, in accordance with Sections 12570 through 12830 of the Water Code, for payment of, and for reimbursement for necessary advances made for, the cost of co-operation by the State, Department of Water Resources, in accordance with the following schedule ----------		12,366,800
Schedule:		
(a) San Bernardino County Flood Control District, Santa Ana River Basin Project, as authorized by Section 12679 of the Water Code ----------	117,000	
(b) Los Angeles County Flood Control District, Los Angeles River Watershed Project, as authorized by Section 12688 of the Water Code---	2,998,000	
(c) Los Angeles County Flood Control District, Los Angeles and San Gabriel Rivers and Ballona Creek Project, as authorized by Section 12682 of the Water Code--	6,622,000	
(d) Ventura County Flood Control District, Ventura River Basin Project, as authorized by Section 12671 of the Water Code ----------	52,000	
(e) Santa Barbara County, Santa Maria River Levee Project, as authorized in Section 12707 of the Water Code--	384,000	
(f) Humboldt County, Eel River at Sandy Prairie Project, as authorized by Section 12713 of the Water Code ----------	8,000	

Item		Amount
(g)	Alameda County Flood Control and Water Conservation District, San Lorenzo Creek Project, as authorized in Section 12701 of the Water Code	110,000
(h)	Riverside County Flood Control and Water Conservation District, Tahchevah Creek Project, as authorized in Section 12719 of the Water Code	600,000
(i)	Contra Costa County Flood Control and Water Conservation Districts, Walnut Creek Project, as authorized by Section 12716 of the Water Code	730,000
(j)	San Joaquin County, Duck Creek Project, as authorized by Section 12750 of the Water Code	40,000
(k)	Contra Costa County Flood Control and Water Conservation Districts, Rheem Creek Project, as authorized by Section 12750 of the Water Code	12,400
(l)	Solano County Flood Control and Water Conservation Districts, Green Valley Creek Project, as authorized by Section 12750 of the Water Code	51,000
(m)	Trinity County, East Weaver Creek Project, as authorized by Section 12750 of the Water Code	130,000
(n)	Marin County, Coyote Creek Project, as authorized by Section 12750 of the Water Code	500,000
(o)	Mendocino County, Russian River Flood Control and Water Conservation Improvement District, Russian River Project, as authorized by Section 12699 of the Water Code	12,400
	Total of schedule	12,366,800

Item		Amount
	The appropriation made by this item shall remain available for expenditure until June 30, 1966; provided, that not more than $7,826,709 shall be available for expenditure during the period July 1, 1963, through June 30, 1964.	
430	For expenditure, in accordance with Sections 12850 through 12875 of the Water Code, for payment of, and for reimbursement for necessary advances made for the cost of co-operation by the State, for watershed protection and flood prevention projects as authorized by said sections, Department of Water Resources, in accordance with the following schedule ----------	2,173,291
	Schedule:	
	(a) Adobe Creek Watershed Protection Project ---------- 1,400	
	(b) Escondido Creek Watershed Protection Project ---------- 94,000	
	(c) Buena Vista Creek Watershed Protection Project---- 360,000	
	(d) San Gabriel River Watershed Protection Project---- 49,000	
	(e) Marsh-Kellogg Watershed Protection Project ---------- 225,200	
	(f) Napa River Watershed Protection Project ---------- 1,325,000	
	(g) Central Sonoma Project---- 118,691	
	Total of schedule ---------- 2,173,291	
	The appropriation made by this item shall remain available for expenditure until June 30, 1966. No expenditure shall be made until the local organizations give assurances that they will maintain and operate the projects after completion in such manner as will accomplish the purposes for which the projects were authorized and constructed and as may be required by the Secretary of Agriculture and the Department of Water Resources, and that the local organizations will hold and save the State of California free from damages or claims due to the construction, installation, or operation of the project.	
431	For land, easements and rights-of-way, including but not limited to, borrow pits, spoil areas and easements for levees, clearing, flood control works and flowage, necessary for the completion or operation of the following projects in the Sacramento and San Joaquin	

Item		Amount
watersheds as authorized by Sections 12648 through 12654 and Section 12656.5 of the Water Code; for the construction costs in lieu thereof as authorized by Section 8621 of the Water Code; and for advances to the federal government or payments to the federal government or others for incidental construction or reconstruction items which are an obligation of the State in connection with the completion or operation of the aforesaid projects and for materials and necessary construction, reconstruction, relocation, or alterations to highways, railroads, bridges, powerlines, communication lines, pipelines, irrigation works and other structures and facilities and for appraisals, surveys and engineering studies incident thereto including determining the boundaries and appropriate assessments of the Lower San Joaquin River Levee District within the area benefited by the Lower San Joaquin River Flood Control Project, the Reclamation Board, in accordance with the following schedule		3,517,922
Schedule:		
(a) Sacramento River Flood Control Project	197,000	
(b) Lower San Joaquin River Flood Control Project	1,964,922	
(c) Middle Creek Flood Control Project	1,000	
(d) Calaveras River and Littlejohn Creek and Tributaries Project	1,350,000	
(e) Sacramento River Flood Control Project—Chico Landing to Red Bluff	5,000	
Total of schedule	3,517,922	
432—For expenditure for Sacramento River bank protection, in accordance with Sections 8617.1 and 12649.1 of the Water Code, the Reclamation Board		993,000
provided, that the Reclamation Board shall not expend the funds appropriated to it under this item until a public agency other than the Reclamation Board has either assumed the obligations of maintenance and holding the United States harmless from damages due to the construction of works, directly with the United States, or has by binding agreement with the Reclamation Board agreed to assume		

Item		Amount
obligations and to hold the State and Reclamation Board harmless from any claims therefor.		
433—To pay the State's share of the cost of local participation required and to make advances to meet the federal share in connection with federal beach erosion control projects, in accordance with Sections 335 through 339 of the Water Code, Department of Water Resources, in accordance with the following schedule		4,328,200
Schedule:		
(a) Santa Cruz County, West Cliff Drive—State's share	15,300	
(b) Santa Cruz County, West Cliff Drive—advance for federal share	49,400	
(c) Los Angeles County, Redondo Beach to Malaga Cove —State's share	600,000	
(d) Los Angeles County, Redondo Beach to Malaga Cove —advance for federal share	1,200,000	
(e) Orange County, Doheny Beach—State's share	13,500	
(f) Orange County, Doheny Beach—advance for federal share	63,000	
(g) Santa Cruz County, Twin Lakes—State's share	22,500	
(h) Santa Cruz County, Twin Lakes—advance for federal share	105,000	
(i) Ventura County, Pierpont Bay—State's share	143,100	
(j) Ventura County, Pierpont Bay—advance for federal share	667,800	
(k) Orange County, Anaheim Bay Harbor to Newport Bay —State's share	140,000	
(*l*) Orange County, Anaheim Bay Harbor to Newport Bay —advance for federal share	1,268,000	
(m) Santa Cruz County, Opal Cliffs—State's share	19,400	
(n) Santa Cruz County, Opal Cliffs—advance for federal share	21,200	
Total of schedule	4,328,200	

Item		Amount
	provided, that the Department of Water Resources shall not expend that portion of the funds provided by this item for construction of any beach erosion control project until final planning of that project has been completed and reviewed by the department.	
434	For grants to soil conservation districts, Division of Soil Conservation, Department of Conservation	100,000
	OTHER PURPOSES	
435	For State's share of salaries of judges of superior courts as provided by Section 68206 of the Government Code	3,962,000
436	For contributions to counties toward the compensation and expenses of county service officers, Department of Veterans Affairs, to be expended in accordance with Section 972 of the Military and Veterans Code	500,000
437	For salaries of county agricultural commissioners or compensation for services performed for county agricultural departments, Department of Agriculture, to be expended in accordance with the provisions of Section 63.5 of the Agricultural Code	177,600
438	For furnishing of workmen's compensation to disaster service workers and their dependents in accordance with the provisions of Sections 3201 through 6002 of the Labor Code, including the reimbursing of the State Compensation Insurance Fund for the cost of services as adjusting agent, Governor's office, State Disaster Office	50,000
	The State Compensation Insurance Fund may draw from the State Treasury out of the appropriation made by this item, without at the time presenting vouchers and itemized statements, any portion of the appropriation contained in this item, to be used as a cash revolving fund. Expenditures made from the revolving fund in payment of claims for workmen's compensation and adjusting services are excepted from the operation of Section 603 of the Government Code. Reimbursement of the revolving fund for such expenditures shall be made upon presentation to the State Controller of an abstract or statement of such expenditures Such abstract or statement shall be in such form as the State Controller requires.	

Item	Amount
439—For allocation to cities, counties and cities and counties, pursuant to Section 13523 of the Penal Code, Commission on Peace Officers' Standards and Training, payable from the Peace Officers' Training Fund	535,238

APPENDIX

SEC. 3. The following sums of money, or so much thereof as may be necessary unless otherwise provided herein, are hereby appropriated for the use and support of the State of California for the 1963-64 fiscal year beginning July 1, 1963, and ending June 30, 1964. All such appropriations, unless otherwise herein provided, shall be paid out of the General Fund in the State Treasury.

Whenever by constitutional or statutory provision the revenues or receipts of any institution, department, board, bureau, commission, officer, employee, or other agency, or any moneys in any special fund created by law therefor, are to be used for salaries, support or any proper purpose, expenditures shall be made therefrom for any such purposes to the extent only of the amount herein appropriated, unless otherwise stated herein, or authorized pursuant to Section 11006, Government Code.

Appropriations for purposes not otherwise provided for herein which have been heretofore made by any existing constitutional or statutory provision shall continue to be governed thereby.

Item			Amount
441—For expenditure by the Division of Architecture, Department of Public Works, payable from the Division of Architecture Revolving Fund, for the purposes specified in Section 14030 of the Government Code, in accordance with the following schedule			9,539,112
Schedule:			
	(a) Personal Services	8,787,368	
	(b) Operating Expenses and Equipment	1,028,907	
	Total of schedule	9,816,275	
	Less estimated reimbursements	277,163	
	Net appropriation	9,539,112	
provided, that any balances in the Division of Architecture Revolving Fund continue to be appropriated by and subject to Section 14030 of the Government Code, and are available for construction and for augmentation of this appropriation.			

Item		Amount
441.5—For construction and equipment of an office building in the City of Sacramento, under the provisions of the State Building Construction Act of 1955 (commencing at Section 15800 of the Government Code), State Public Works Board payable without regard to fiscal years from the Public Building Construction Fund		7,400,000
442—For administration of unemployment compensation disability benefits, Department of Employment, payable from the Unemployment Compensation Disability Fund, in accordance with the following schedule		9,587,170
Schedule:		
(a) Personal Services	7,358,555	
(b) Operating Expenses and Equipment	2,228,615	
Total of schedule	9,587,170	
443—For additional support of the Department of Employment, payable from the Department of Employment Contingent Fund, and in addition thereto any grants made available by the federal government; provided, that all or any portion of this appropriation may be transferred to the Unemployment Administration Fund upon executive order of the Department of Finance		272,594
444—For support of California Commission on Manpower, Automation and Technology, payable from the Department of Employment Contingent Fund		75,000
445—For payment of interest, on order of the Director of Finance, on transfers of money from any other fund, which is subject to investment, to the Unemployment Compensation Disability Fund under Section 3007 of the Unemployment Insurance Code, computed at a rate determined by the Department of Finance to be the rate of interest allowed interest bearing time deposits in banks for a similar period of time, payable from the Unemployment Compensation Disability Fund		26,700

SEC. 3.5. The sum of $20,000,000 is hereby appropriated out of the California Water Fund to the Director of Finance, and upon order of the Director of Finance, the State Controller shall transfer said sum to the General Fund for the purposes provided for in Section 17301 of the Education Code. The transfer provided for in this section may be made with cash or securities as determined by the Director of Finance; provided, that the securities to be transferred shall be selected

by the Director of Finance; provided further, that the securities to be transferred shall be valued as they appear on the accounts of the California Water Fund.

SEC. 3.6. All amounts accruing to the California Water Fund pursuant to Section 6816 of the Public Resources Code and Chapter 29 of the Statutes of 1956, First Extraordinary Session, during the 1963-64 fiscal year, in excess of ten million dollars ($10,000,000), are appropriated for the purpose of making all or part of the transfers required by subdivision (b) of Section 17301 of the Education Code, subject to the limitations as to amount contained in said subdivision (b) To the extent money is made available from the California Water Fund to the State School Fund pursuant to this section, the amount transferred from the General Fund to the State School Fund pursuant to subdivision (b) of Section 17301 of the Education Code shall be reduced thereby.

SEC. 4. There has been included in the applicable items of appropriation in this act for the support of the several state offices, departments, boards, bureaus, commissions, and other state agencies, amounts from the General Fund and the various special funds sufficient to continue in effect for the 1963-64 fiscal year the increases in salaries paid to state officers whose salaries are specified by statute for which funds were made available by Item 276 of the Budget Act of 1959, Item 275 of the Budget Act of 1960 and Item 282 of the Budget Act of 1962, pursuant to Section 11570 of the Government Code.

SEC. 4.5. Subject to the provisions of this act, any appropriation for expenditure under this act during the 1963-64 fiscal year, may, with the approval of the Department of Finance, be encumbered prior to July 1, 1963, by incurring obligations to be paid after June 30, 1963.

SEC. 5. Because it is necessary to insure the availability of adequate equipment for physical facilities constructed for the operation of custodial, mental health, educational, administrative, military, and other agencies of the state government; because uncertainties as to completion dates make precise advance planning of equipment purchases impossible; and since delivery of some kinds of equipment cannot be made for six months or longer from the date of ordering; state agencies are therefore authorized to incur obligations, to be met during the 1964-65 fiscal year, for the purchase of equipment related to capital outlay projects for which the Legislature has appropriated construction funds; provided, that no obligation shall be incurred under the provisions of this section without the approval of the Department of Finance and the State Public Works Board. Purchase orders issued and contracts entered into under the provisions of this section shall not exceed a total of $1,000,000 in estimated cost.

SEC. 6. Any project, except minor projects, included in any appropriation made herein for capital outlay shall be sub-

ject to the provisions of Section 15790 of the Government Code.

SEC. 7. Any acquisition of land or other real property included in any appropriation made herein for capital outlay except appropriations from the California Water Fund shall be subject to the provisions of the Property Acquisition Law.

Nothing contained in this section shall be construed to limit or control the Regents of the University of California in the expenditure of funds appropriated for acquisition of land or other real property for the use, development or enlargement of the University of California.

All property acquisitions, notwithstanding other exemptions of this section, shall be reported to the State Public Works Board.

SEC. 8. No money appropriated herein in any item for capital outlay may be expended by any state agency except amounts for acquisition of land or other real property, amount needed for equipment, preliminary surveys, studies and planning and minor projects until the State Public Works Board and the Department of Finance have approved preliminary plans for the project to be financed from such time of appropriation for capital outlay; provided further, no major project for which appropriation is made hereunder regarding which the Director of Finance or his authorized representative requests review of working plans shall be put out to bid until the working plans therefor have been approved by the Department of Finance, provided further, that no money appropriated herein may be spent for working drawings for any project as to which there has been made substantial change or changes from the preliminary plans as approved by the State Public Works Board and the Department of Finance unless there has first been obtained the approval of the Department of Finance to make such change or changes; provided further, that no money appropriated herein may be spent for equipment until prior approval for purchase of such equipment shall have been given by the Department of Finance.

Nothing in this section shall be construed to limit or control the Regents of the University of California in the expenditure of funds appropriated for capital outlay for the use, development or enlargement of the University of California

The Regents of the University of California shall report to the State Public Works Board the expenditures for capital outlay, except minor projects, from appropriations contained in this act.

SEC. 9. Notwithstanding any other provision of law, the portion of each sum of money heretofore appropriated or allocated, hereby appropriated or hereafter allocated to the Regents of the University of California for capital outlay which remains after the purpose for which each said sum was appropriated or allocated has been accomplished, and which have been or hereafter are withdrawn from the State Treasury by the Regents of the University of California pursuant to the

provisions of Section 23201 of the Education Code, together with increments, by way of interest or otherwise, on any such appropriation or allocations, shall be used and expended by the Regents of the University of California in executing and furthering the building and improvement program of the University of California; provided, that no such sums shall be allocated by the Regents of the University of California to projects not otherwise authorized by legislative appropriation or by allocation by the State Public Works Board. Such sums shall be available for expenditure in payment of any encumbrances heretofore or hereafter incurred without regard to fiscal years; provided, however, that any unencumbered balances existing as of the date on which each such appropriation or allocation otherwise would lapse, shall then revert.

A report shall be submitted to the State Public Works Board of any allocations made by the Regents of the University of California pursuant to the provisions of this section.

SEC. 10. Notwithstanding any other provisions of law, the unencumbered balances, on the effective date of this act, of the appropriations provided in the following citations, are reappropriated for the purposes provided for in said appropriations, and shall be available for expenditure until June 30, 1964:

Department of Corrections:
- Northern California Conservation Center and branches, Item 292.2, Budget Act of 1959.

University of California:
- Item 363(a), Budget Act of 1958
- Item 363(s), Budget Act of 1958
- Item 363(u), Budget Act of 1958
- Item 319(i), Budget Act of 1960
- Item 319(k), Budget Act of 1960
- Item 319(*l*), Budget Act of 1960
- Item 319(p), Budget Act of 1960
- Item 319(r), Budget Act of 1960
- Item 319(t), Budget Act of 1960
- Item 319(v), Budget Act of 1960
- Item 319(pp), Budget Act of 1960
- Item 319(qq), Budget Act of 1960
- Item 319(tt), Budget Act of 1960
- Item 319.5, Budget Act of 1960

State Colleges:
- State College for Alameda County, Item 300(a), Budget Act of 1960
- Chico State College, Item 317(a), Budget Act of 1958
- Chico State College, Item 301(c), Budget Act of 1960
- Chico State College, Item 301(d), Budget Act of 1960
- Chico State College, Item 301(e), Budget Act of 1960
- Humboldt State College, Item 303(b), Budget Act of 1960
- Long Beach State College, Item 318(a), Budget Act of 1959

San Jose State College, Item 331(f), Budget Act of 1959
Stanislaus State College, Item 312, Budget Act of 1960
California State Polytechnic College, Item 341, Budget Act of 1957
California State Polytechnic College, Item 313(e), Budget Act of 1960
California State Polytechnic College, Item 313(m), Budget Act of 1960
Department of Finance:
Item 322(c), Budget Act of 1960
California Museum of Science and Industry, Item 361.1 and 361.2, Budget Act of 1956
Department of Mental Hygiene:
Fairview State Hospital, Item 339(a), Budget Act of 1960
Department of Motor Vehicles:
Item 409, Budget Act of 1958
Item 375(b), Budget Act of 1959
Item 344(b), Budget Act of 1960
Department of Public Works:
Item 402.2, Budget Act of 1961
Division of Forestry:
Item 390(2c), Budget Act of 1955
Item 407(c), Budget Act of 1957
Item 378(a), Budget Act of 1959
Item 349(*l*), Budget Act of 1960
Item 349(m), Budget Act of 1960
Item 349(n), Budget Act of 1960
Division of Beaches and Parks:
Item 400(s), Budget Act of 1956
Item 400(x), Budget Act of 1956
Item 400 (qqq), Budget Act of 1956
Item 400.2, Budget Act of 1956
Chapter 2169, Statutes of 1957, Section 1(8)
Chapter 2386, Statutes of 1957
Item 173(a), Budget Act of 1960
Item 173(b), Budget Act of 1960
Item 173(c), Budget Act of 1960
Item 173(e), Budget Act of 1960
Division of Small Craft Harbors:
Item 412.5, Budget Act of 1962
Item 412.6, Budget Act of 1962
Reclamation Board:
Item 410(a), Budget Act of 1962
Item 410(b), Budget Act of 1962
Item 410(c), Budget Act of 1962
Item 410(d), Budget Act of 1962
Item 410(e), Budget Act of 1962
Department of Water Resources:
Item 411(f), Budget Act of 1962
Item 411(g), Budget Act of 1962

SEC. 10.1. As of the effective date of this act, the unencumbered balance of the appropriation made by Chapter 1071, Statutes of 1957, as amended by Item 323.1 of the Budget Act of 1960 and by Section 19.7 of the Budget Act of 1961, is reappropriated from the General Fund to the Director of Finance for capital outlay purposes, in connection with the California State Fair and Exposition, and shall be available for encumbrance until June 30, 1965, provided, that of the balance available in said appropriation $898,000 thereof is hereby reappropriated to the California Exposition and Fair Executive Committee, to be available for support and grants for the fiscal years 1963-64 and 1964-65.

SEC. 10.3. The unexpended balance, on the effective date of this act, of the appropriation made by Item 369(d), Budget Act of 1962, is hereby reappropriated for the purposes provided in said item, and in addition, shall be available for a storm drain line to be constructed off state property.

SEC. 10.4. The unencumbered balance of the appropriation made for construction at Hearst-San Simeon State Historical Monument in Item 345(ii), Budget Act of 1962, as of June 30, 1963, is hereby reverted. The amount reverted by this section is appropriated from the General Fund to the Department of Parks and Recreation for repair of architectural, electrical, and mechanical deficiencies noted in the castle structure indicated as Priority 1 in a Division of Architecture survey report issued January 17, 1963.

This appropriation is available until June 30, 1964.

SEC. 10.45. Notwithstanding any other provisions of law, the unexpended balance as of June 30, 1963 of Item 345(pp) of the Budget Act of 1962 is reappropriated to the Department of Parks and Recreation:

Thirty thousand dollars ($30,000) thereof to be used for planning, engineering and design of facilities for the Torrey Pines State Park.

The balance thereof to be used for the continuing development at Pueblo de Los Angeles State Historical Monument; provided, that no expenditure of this balance shall be made until and unless the City and County of Los Angeles transfers full control and possession of this facility to the State by December 31, 1963, for the purpose of managing, planning, improving, developing, maintaining, controlling and operating it as a state historical monument within the state park system; and further provided, that this appropriation shall be available for expenditure until June 30, 1966.

SEC. 10.55. Notwithstanding Section 13 6 of the Budget Act of 1962, the appropriation made by Item 446 7, Budget Act of 1958, as amended by Section 12, Budget Act of 1960, shall be available for the purposes of the Emergency Flood Relief Law (Article 6 (commencing at Section 54150), Chapter 5, Part 1, Division 2, Title 5, Government Code) for damage or destruction by storm and flood or flood conditions in the Counties of Humboldt and Trinity which has occurred

between October 1, 1961 and December 31, 1962, and the local agency has applied to the Department of Finance for an allocation of funds on or before October 1, 1963.

SEC. 10.6. The unencumbered balance of the appropriation made by Item 434(h) of the Budget Act of 1957, as amended by Section 14 of the Budget Act of 1961, is hereby reappropriated for the same purpose provided for in said item and shall be available for expenditure until June 30, 1965.

SEC. 10.7. On July 1, 1963, there is hereby appropriated from the General Fund to the Military Department, for capital outlay, the amount that reverts to the General Fund as of June 30, 1963. from the appropriation made by the provisions of Section 19.8 of the Budget Act of 1961, to be expended in accordance with the provisions of said appropriation, and shall be available for expenditure until June 30, 1964.

SEC. 10.8. The unencumbered balance, on the effective date of this act, of the appropriation made by Item 372(a) of the Budget Act of 1961, is hereby reappropriated for capital outlay, Department of Finance, to remodel State Capitol Building, and shall be available for expenditure until June 30, 1964.

SEC. 10.9. The appropriation made by Item 412 of the Budget Act of 1962, shall continue to be available for the purpose provided for in said item, and shall be available for expenditure without regard to fiscal year.

SEC. 10.11. On the effective date of this act, $21,534 of the unexpended balance of the appropriation made by Item 114, Budget Act of 1962. is hereby reappropriated for the purchase and processing of library books and shall be available for expenditure until June 30, 1964.

SEC. 10.15. Notwithstanding the provisions of Section 15863 of the Government Code, the proceeds from the sale of the armory facilities located at 12th and W Streets, Sacramento, shall be deposited in the General Fund and are appropriated for equipment, construction or lease of temporary or permanent armory facilities in Sacramento County and shall be available for expenditure during 1963-64, 1964-65, and 1965-66 fiscal years.

SEC. 11. As of June 30, 1963, the unencumbered balance of the appropriation made by Item 387(b), Budget Act of 1962, shall revert to the unappropriated balance of the State Construction Program Fund.

SEC. 11 5 As of June 30, 1963, $43,130 of the appropriation made by Item 397, Budget Act of 1962, for the printing of 33,000 copies of "The People of Mexico", shall be reverted unless said textbook has been revised by the State Board of Education.

SEC. 12. As of June 30. 1963, the unencumbered balance of the appropriation made by Item 371(g), Budget Act of 1961, shall revert to the unappropriated balance of the State Construction Program Fund

SEC. 13. As of June 30, 1963. the unencumbered balance of the appropriation made by Item 378(h), Budget Act of

1962, shall revert to the unappropriated balance of the State Construction Program Fund.

SEC. 14. As of June 30, 1963, the unencumbered balance of Chapter 1291, Statutes of 1961, shall revert to the unappropriated balance of the General Fund.

SEC. 15. As of June 30, 1963, the appropriation made by Item 288.5, Budget Act of 1962, shall revert to the unappropriated balance of the General Fund.

SEC. 16. As of June 30, 1963, the appropriation made by Chapter 24, Statutes of 1962, First Extraordinary Session shall revert to the unappropriated balance of the General Fund.

SEC. 17. As of June 30, 1963, the unencumbered balance of the appropriation made by Chapter 324, Statutes of 1961, shall revert to the unappropriated balance of the General Fund.

SEC. 17.1. As of June 30, 1963, the unencumbered balances of the appropriations made by Item 322(a), Budget Act of 1960, and by Item 317.1, Budget Act of 1961, shall revert to the unappropriated balance of the General Fund.

SEC. 18. As of June 30, 1963, the unencumbered balances of the following appropriations shall revert to the unappropriated balance of the Motor Vehicle Fund:

Chapter 889, Statutes of 1961.

Chapter 2138, Statutes of 1961.

Chapter 2140, Statutes of 1961.

SEC. 18.1. As of June 30, 1963, the unencumbered balance of the appropriation made by the provisions of Section 16409 of the Government Code shall revert to the unappropriated balance of the General Fund. On July 1, 1963, $5,000,000 shall be appropriated from the General Fund to be expended in accordance with, and in augmentation of the provisions of Section 16409 of the Government Code.

The unexpended balance of the appropriation made by the provisions of Section 16409 of the Government Code shall revert to the unappropriated balance of the General Fund as of June 30, 1964.

SEC. 18.2. As of June 30, 1963, any amount in excess of $10,000,000 in the appropriation made by the provisions of Section 16354 of the Government Code shall revert to the unappropriated balance of the State Construction Program Fund.

SEC. 18.5. Notwithstanding any other provisions of this act, the Director of Finance may from time to time direct that any appropriation made in Section 2.2 of this act shall be payable from the General Fund instead of the State Construction Program Fund.

SEC. 19. On or before September 30, 1963, the State Controller shall transfer to the General Fund any amount of surplus and working capital advances in the Service Revolving Fund for the Printing Division which totals in excess of $5,290,000 as of June 30, 1963.

No machinery or equipment shall be purchased by or for the Printing Division except as provided for in this act and for emergency replacements which shall be reported to the Joint Legislative Budget Committee quarterly.

No augmentation shall be made to the capital of the Service Revolving Fund for the benefit of the Printing Division during the 1963-64 fiscal year except as specifically provided for in this act.

Any proposed capital addition to the Service Revolving Fund for the benefit of the Printing Division for the 1964-65 fiscal year shall be included in the proposed budget for that fiscal year as an appropriation out of the General Fund.

SEC. 19.5. Any portion of the amount appropriated by Section 3.6 of this act which is not required for the purpose of making the apportionments provided by subdivision (b) of Section 17301 of the Education Code and, in addition, an amount equal to the amount withheld from transfer from the General Fund to the State School Fund pursuant to Section 3.6 of this act, shall be placed in a special reserve account in the General Fund and shall not be available for expenditure until specifically appropriated by the Legislature.

SEC. 20. No money appropriated by this act shall be used to pay the salary of any authorized state position, which position was vacant and had been vacant or continuously unfilled during the period between October 1, 1962, and July 1, 1963, except with the specific approval of the Department of Finance, subsequent to July 1, 1963.

The Department of Finance, not later than 30 days prior to the convening of the 1964 Regular Session of the Legislature, shall furnish the Joint Legislative Budget Committee, a report of all positions as of July 1, 1963, which were vacant or continuously unfilled during the period between October 1, 1962, and July 1, 1963, and a report of all authorizations to fill vacant positions and all positions abolished pursuant to this section.

SEC. 21. Since it is imperative for the university and the state colleges to recruit adequate and competent faculty necessary to maintain the current academic standards and the faculty-student ratios and to meet the immediately foreseeable needs occasioned by the rapid growth of enrollment during the years just ahead, and since, by the nature of their duties, faculty members must as a rule be employed on an annual basis, therefore, the University of California and the state colleges are authorized to incur salary obligations in an amount not to exceed $1,500,000 for the university and a total of $1,500,000 for the state colleges by appointment of additional academic staff members during the 1963-64 fiscal year for services beginning in the 1964-65 fiscal year.

The intent of this authorization is to assist in maintaining current academic standards and faculty-student ratios in relationship to expanding student enrollments.

SEC. 22. No purchase order for acquisition or replacement of motor vehicles shall be issued against any appropriation made herein until the Department of Finance has investigated and established the necessity therefor.

All passenger type motor vehicles purchased from any appropriation made by this act for the use of state employees and officers, except constitutional officers, shall be of the light class, as defined by the State Board of Control, unless excepted by the Director of Finance on the basis of unusual requirements, such as use by the California Highway Patrol, which would justify the need for an automobile of a heavier class.

SEC. 23. All passenger type motor vehicles purchased either from any appropriation made by this act or from any other appropriation available therefor for the use of the Department of Public Works, except for use of officers excepted in Section 22 of this act, shall be of the light class, as defined by the State Board of Control, unless excepted by the Director of Finance on the basis of unusual requirements which would justify the need for an automobile of a heavier class.

SEC. 24. None of the moneys appropriated by this act or for an expenditure which is supplemented from money appropriated by this act shall be used to purchase furnishings for any house or apartment of three or more rooms other than a dormitory which is rented to a state employee except for a superintendent of an institution, warden of a prison, or physicians. This provision shall not apply to the purchase of refrigerators, heaters, air-conditioning equipment, stoves, linoleum, or equipment normally furnished in construction of the house as may be determined by the State Board of Control. Any such funds that are appropriated by this act for this purpose shall be held intact and be reverted to the fund from which they were appropriated. It is the intent of the Legislature that no money shall be appropriated henceforth for the purpose of house furnishings. Such furnishings are not to be provided by the State nor shall any money be paid from this appropriation for their replacement, repair or otherwise except in connection with the disposal of the same.

SEC. 25. No moneys appropriated by this act shall be used, either directly or by supplementing any other appropriation, to purchase rugs or carpets for any state office except for offices used by elective officers and other department heads. The Director of Finance shall furnish a detailed report annually to the Joint Legislative Budget Committee of all rugs or carpets purchased for state offices under this section.

SEC. 26. Whenever herein an appropriation is made for support it shall include salaries and all other proper expenses, including repairs and equipment, incurred in connection with the institution, department, board, bureau, commission, officer, employee, or other agency, for which such appropriation is made.

Whenever herein an appropriation is made for capital outlay, it shall include acquisition of land or other real property,

major construction, improvements, equipment, designs, working plans, specifications, repairs and equipment necessary in connection with a construction or improvement project.

Whenever herein any item of appropriation contains provision for acquisition of land or other real property, it shall include all necessary expenses in connection with the acquisition of such property.

Whenever appropriation is made in accordance with a schedule set forth after such appropriation, the expenditures from such item for each category or project included in the schedule shall be limited to the amount specified for such category or project, except as otherwise provided in this act. Each such schedule is a restriction or limitation upon the expenditure of the respective appropriation made by this act, does not itself appropriate any money, and is not itself an item of appropriation.

As used in this act in reference to such schedules "category" or "project" means a class of expenditures such as, but not limited to:

(a) "Personal services" which shall include all expenditures for payment of officers and employees of the State; including salaries and wages, the State's contributions to the Employees' Retirement Fund, the Old Age and Survivors' Insurance Revolving Fund, the State Employees' Contingency Reserve Fund, and the State's cost of a basic health benefits plan; but do not include compensation of independent contractors rendering personal services to the State under contract, or payments into a private fund as authorized by Section 18853.5 of the Government Code;

(b) "Operating expenses and equipment" which shall include all expenditures for purchase of materials, supplies, equipment, services (other than services of state officers and employees), and all other proper expenses;

(c) "Construct" or "construction" when used in connection with a capital outlay project shall include all such related things as fixtures, installed equipment, and auxiliary facilities;

(d) "Working drawings" are defined as a complete set of plans and specifications showing and describing all phases of a project, architectural, structural, mechanical, electrical, civil engineering, and landscaping systems to the degree necessary for the purposes of accurate bidding by contractors and for the use of artisans in constructing the project. All necessary professional fees and administrative service costs are included in the preparation of such drawings.

(e) "Minor projects" include construction, improvements, repairs and equipment projects not specifically set forth in the schedule.

For the purpose of further interpreting the meaning of the words, terms and phrases used in such schedules, reference is hereby made to that document entitled, "State of California Budget for the fiscal year July 1, 1963, to June 30, 1964," submitted by the Governor to the Legislature at the 1963 Reg-

ular Session, the uniform accounting system prescribed by the Department of Finance under the provisions of Section 13290 of the Government Code, and the appropriate portions thereof. The State Board of Control shall establish such interpretations as are necessary to carry out the provisions of this section and shall furnish the same to the State Controller and to every state agency to whom appropriations are made under this act.

SEC. 26.5. Whenever herein an appropriation is made for support or other expenses for an institution, department, board, bureau, commission, officer, employee, or other agency, there shall be charged to such appropriation from which salaries and wages are paid: the State's contribution to the State Employees' Retirement Fund as provided by Sections 20751 and 20752 of the Government Code, the State's contribution to the Old Age and Survivors' Insurance Revolving Fund as provided by Sections 20782 and 20783 of the Government Code, the State's contribution to the State Employees' Contingency Reserve Fund and the State's contribution for the cost of a basic health benefits plan as provided by Sections 22828 and 22829 of the Government Code.

The appropriations made by Sections 20751, 20752, 20782, 20783, 22828, and 22829 shall continue to be available for expenditure, and shall be charged for any expenditure which is not chargeable to an appropriation for support or other expenses as provided in this section.

SEC. 27. The Director of Finance may, pursuant to a request by the officer, department, division, bureau, board, commission, or other agency to whom an appropriation is made herein, authorize the augmentation of the amount available for expenditure for a category or project designated in any schedule set forth for such appropriation by transfer from any of the other designated categories or projects within the same schedule. The Director of Finance shall furnish the Joint Legislative Budget Committee a report on all authorizations given pursuant to this section during the preceding quarter.

SEC. 28. The Director of Finance may authorize the augmentation of the amount available for expenditure for any category in the schedule set forth for any appropriation in this act or any additional category in the amount of any funds which he estimates will be received by an officer, department, division, bureau, or other agency during the 1963-64 fiscal year from any other state agency, from any agency of local government or the federal government, from any appropriation made by the Legislature or from any other source which he determines has not been taken into consideration in said schedule, or is in excess of the amount so taken into consideration.

The Director of Finance may also reduce any category whenever he determines that funds to be received will be less than the amount taken into consideration in the schedule.

SEC. 29. Premiums for official bonds may be paid out of appropriations contained in this act, notwithstanding the period covered by such bonds.

SEC. 30. Whenever an expenditure is authorized from the Emergency Fund, from price increase funds, from the salary increase funds, or from a special fund pursuant to Section 11006 of the Government Code, in addition to an appropriation made by this act, such authorized expenditures may, for accounting purposes, be deemed to be an augmentation and increase of the appropriation made by this act.

SEC. 31. The appropriations under this act, unless otherwise provided, shall be subject to the provisions of Section 13320 of the Government Code requiring expenditures to be made in accordance with the allotments and other provisions of fiscal year budgets approved by the Department of Finance.

The fiscal year budget shall authorize in such manner as the Department of Finance shall prescribe all established positions whose continuance for the year is approved and all new positions. No new positions or change in grade or class of an existing position shall be established unless authorized by the Department of Finance on the basis of work program and organization.

Each fiscal year budget shall provide for a salary savings reserve to which shall be transferred on a document initiated by the agency and submitted to the Department of Finance the unencumbered balance remaining in each allotment for salaries and wages at the close of each quarter or other period of time covered by the allotment. The unencumbered balance remaining in each budget allotment for salaries and wages shall be computed by deducting from the amount of the allotment the expenditures and accrued obligations for salaries and wages chargeable to such allotment for the period covered thereby. The amount in the salary savings reserve shall not be available for expenditure except upon transfer to allotments for salaries and wages approved by the Department of Finance. Such transfer shall be approved only after it has been demonstrated to the satisfaction of the Department of Finance that the allotment to be augmented is insufficient to meet necessary expenditures for salaries and wages.

No money in any salary savings reserve may be expended to pay increases in salary ranges established after July 1, 1963, unless the Department of Finance certifies to the State Personnel Board, or other salary-fixing authority, prior to the adoption of such increased salary range that funds will be made available to pay the increased salaries resulting therefrom.

A certification on a payroll claim that expenditures therein are in accordance with current budgetary provisions as approved by the Department of Finance shall be sufficient evidence to the State Controller that such expenditures comply with the provisions of this section.

SEC. 31.5. All appropriations under this act for the support of the state colleges and the Trustees of the California State Colleges shall be subject to the provisions of Section

13320 of the Government Code and Section 31 of this act, with the following exceptions: The Trustees of the California State Colleges may approve any transfer of funds within the major budgetary functions of administration, instruction, plant operation, agriculture, off-campus centers, summer session, extension, special projects, and reimbursements, as provided in fiscal year budgets of the state colleges approved by the Department of Finance; provided, that no transfers between the categories of personal services, operating expenses and equipment shall be made without the approval of the Director of Finance. In addition, the trustees may approve the substitution of one item of equipment for another within such aforementioned budgetary functions and the use of savings in equipment allotments, and may approve travel, both within and outside the State, and the payment of allowances and expenses related to travel, moving and the relocation of employees in accordance with the allowances established by the State Board of Control and within funds appropriated by this act for this purpose.

Subject to the foregoing, the trustees may approve adjustments in programs, within appropriations as adjusted for changes in enrollments approved by the Director of Finance.

Any transfers of funds, substitution of items of equipment, use of equipment savings, or approval of travel, moving or relocation allowances made under provision of this section shall be reported to the Director of Finance at such times and on forms prescribed by him.

SEC. 32. The officers of the various departments, boards, commissions and institutions, for whose benefit and support appropriations are made in this act, are expressly forbidden to make any expenditures in excess of such appropriations, except the consent of the Department of Finance be first obtained, and a certificate, in writing, duly signed by the director of said department, of the unavoidable necessity of such expenditure; and any indebtedness attempted to be created against the State in violation of the provisions of this section shall be absolutely null and void; and shall not be allowed by the State Controller nor paid out of any state appropriation. Any member of any such department, board, commission or institution, who shall vote for any expenditure, or create any indebtedness against the State in excess of the respective appropriations made by this act, except by the consent of the Department of Finance and the certificate in this section provided to be first obtained, shall be liable on his official bond for the amount of such indebtedness, to be recovered in any court of competent jurisdiction by the person or persons, firm or corporation to whom such indebtedness is owing.

SEC. 33. If any item of appropriation in this act is vetoed, eliminated or reduced by the Governor under Sections 16 and 34 of Article IV of the Constitution while approving portions of this act, such veto, elimination or reduction shall not affect the other portions of this act and these other portions of this act, so approved, shall have the same effect in law as if any

vetoed or eliminated items of appropriation had not been present in this act and as if any reduced item of appropriation had not been reduced.

SEC. 34. If any section, subsection, sentence, clause, or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

SEC. 35. This act, inasmuch as it provides for an appropriation for the usual current expenses of the State, shall, under the provisions of Section 1 of Article IV of the Constitution of the State of California, take effect immediately.

SEC. 36 This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

There exists an extreme shortage of physical facilities for the operation of the custodial, mental treatment, educational, administrative, military and other agencies of the state government, the present facilities being entirely inadequate due to great increases in population and added governmental responsibilities. The capital outlay appropriations in this budget are all in continuation of an existing program to remedy the aforesaid shortage of facilities and to promote and sustain the economy of the State. If they are not available for expenditure on July 1, 1963, the existing program will be delayed. The expeditious correction of such condition and the efficient operation of the State's business requires the immediate availability of the new capital outlay appropriation and the uninterrupted availability of reappropriated capital outlay items contained in this measure. It is therefore necessary that this act go into immediate effect.

CHAPTER 1051

An act to amend Section 9302 of the Education Code, relating to school textbooks.

[Approved by Governor June 28, 1963 Filed with Secretary of State June 29, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 9302 of the Education Code is amended to read:

9302. The State Board of Education shall adopt one or more basic textbooks in each of the subjects prescribed for the

elementary schools by Section 7604 of this code, except in art and in foreign language. The board may adopt a single textbook covering two or more of these subjects. The board may adopt other textbooks, supplementary textbooks, and teachers' manuals for use in the elementary schools. The board may adopt teachers' manuals for use in the kindergarten schools. The board shall determine the grade or grades for which each basic textbook, other textbook, supplementary textbooks, and teachers' manual is adopted.

The board shall determine the period for which each basic textbook, other textbook, supplementary textbook, and teachers' manual is adopted, which period shall not be less than four years nor more than eight years. After an original adoption period has expired, the board may extend the adoption period of such books for not less than one year nor more than four years.

Nothing in this section shall be construed as prohibiting the governing board of any school district, or any county library from ordering and purchasing such supplementary textbooks as are required.

CHAPTER 1052

An act to add Section 13010 to the Education Code, relating to school employees.

[Approved by Governor June 28, 1963. Filed with Secretary of State June 29, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 13010 is added to the Education Code, to read:

13010. Any school employee of a school district who is absent because of injury or illness which arose out of and in the course of his employment, and for which he is receiving temporary disability benefits under the workmen's compensation laws of this State, shall not be entitled to receive wages or salary from the district which, when added to the temporary disability benefits, will exceed a full day's wages or salary.

During such periods of temporary disability so long as the employee has available for his use sick leave, vacation, compensating time off or other paid leave of absence, the district shall require that temporary disability checks be endorsed payable to the district. The district shall then cause the employee to receive his normal wage or salary less appropriate deductions including but not limited to employee retirement contributions.

When sick leave, vacation, compensating time off or other available paid leave is used in conjunction with temporary

disability benefits derived from workmen's compensation, as provided in this section, it shall be reduced only in that amount necessary to provide a full day's wage or salary when added to the temporary disability benefits.

CHAPTER 1053

An act to amend Sections 803 and 806 of the Agricultural Code, and to amend Sections 803 and 806 of the Agricultural Code as proposed to be amended by Senate Bill 1253 of the 1963 Regular Session, relating to fruit standards, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 28, 1963. Filed with Secretary of State June 29, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 803 of the Agricultural Code is amended to read:

803 Fresh peaches shall be mature but not overripe; free from insect injury which has penetrated or damaged the flesh, split pits which are open at the stem end, and from mold, brown rot, and decay, and free from serious damage, due to cuts or skin breaks, growth cracks, bruises, scab, rust, blight, disease, hail, or other causes. Damage to any one peach is not serious unless it causes a waste of 10 percent, by weight, of the individual peach.

Not more than 10 percent, by count, of the peaches in any one container or bulk lot may be below these requirements, but not to exceed one-half of this tolerance shall be allowed for any one cause; provided, however, that individual containers in any lot may contain not more than 1½ times the tolerances specified if the percentage of defects in the entire lot averages within the tolerances.

Packed peaches shall not vary in size between the fruits, in any one container, more than three-eighths of an inch in diameter, when measured through the widest portion of the cross section.

Peaches of the freestone variety shall not be considered mature unless at the time of picking, the flesh breaks free from the pit. In addition the flesh of peaches of the Elberta variety shall be a yellowish color.

All containers of fresh peaches shall bear upon them in plain sight and in plain letters on one outside end: the name of the person who first authorized the packing of the peaches or the name under which such packer is engaged in business, together with a sufficiently explicit address to permit ready location of such packer; the name of the variety, if known, and when not known the words "unknown variety"; the size description,

when the peaches are packed in the four-basket crate, or the count when wrapped and packed throughout, in straight side containers in uniform layers and rows.

In the case of the four-basket crate the numerical description of the pack in the top layer of the baskets shall be used to designate size. When the count is used to designate the contents of the container a variation of four peaches more or less than the number stated shall be allowed.

Peaches, when packed, shall be in standard containers numbers 1, 1A, 5, 6, 7, 8, 9, 9A, 9B, 12B, 22D, 25, 26, 27, 27A, 27B, or 27C. Containers of peaches placed in molded forms shall be marked with the exact number of peaches placed therein, and may be packed in standard container number 31. Other size containers may be used if conspicuously marked on the outside of the end which bears any marks intended to describe the contents of such container, in letters not less than one-half inch in height, "irregular container."

SEC. 2. Section 806 of said code is amended to read:

806. Plums and fresh prunes shall be mature but not overripe, shall be free from insect injury which has penetrated or damaged the flesh, and from unsealed skin breaks or cuts, mold, brown rot, decay, and free from serious damage due to bruises, growth cracks, sunburn, hail, doubles, insects, internal growth cracks, cavities, gum spots or other causes.

Damage to any one plum or fresh prune is serious if it is caused by:

(a) Bruises which affect the flesh more than three-sixteenths of an inch in depth or more than an aggregate surface area of one-half of an inch in diameter.

(b) Growth cracks over one-half of an inch in length or over three-sixteenths of an inch in depth.

(c) Sunburn affecting the flesh.

(d) Hail resulting in one or more depressions over three-sixteenths of an inch in depth or affecting more than an aggregate surface area of one-half of an inch in diameter.

(e) Doubles, when one portion is one-fourth or less in size than the other portion of the plum or fresh prune.

(f) Thrip marks or other similar insect injury when 15 percent or more of the surface of the plum or fresh prune is affected or causing one or more depressions or raised portions (bumps or welts) one-fourth of an inch or more in depth or height.

(g) Internal growth cracks, cavities, or gum spots when they cause the plum to be seriously malformed.

Not more than 10 percent, by count, of the plums or fresh prunes in any one container or bulk lot may be below these requirements, but not to exceed one-half of this tolerance shall be allowed for any one cause; provided, however, that individual containers in any lot may contain not more than 1½ times the tolerances specified if the percentage of defects in the entire lot averages within the tolerances.

An additional tolerance of 10 percent, by count, of the plums or fresh prunes in any one container or bulk lot shall be permitted for plums or fresh prunes damaged by hail, providing that:

(1) In the case of plums or fresh prunes having a minimum diameter of $1\frac{7}{16}$ inches or larger, the hail damage on each individual plum or fresh prune, permitted in said additional tolerance, does not exceed a depth which is three-sixteenths of the minimum diameter of the plum or fresh prune, or an aggregate surface area with a diameter equal to one-half of the minimum diameter of the plum or fresh prune; or

(2) In the case of plums or fresh prunes having a minimum diameter of less than $1\frac{7}{16}$ inches, the hail damage on each individual plum or fresh prune, permitted in said additional tolerance, does not exceed a depth of one-quarter of an inch or an aggregate surface area of eleven-sixteenths of an inch in diameter; and

(3) The containers in which they are placed or packed are plainly and conspicuously marked, on the outside end of each container on which appears the other required markings, in letters not less than one-half inch in height, with the words "Hail Marked" or when in bulk lots they are conspicuously placarded "Hail Marked."

Plums and fresh prunes shall not vary in size between the fruits, in any one container, more than one-fourth of an inch in diameter when measured through the widest portion of cross section.

All containers of plums and fresh prunes, shall bear upon them in plain sight and in plain letters on one outside end all of the following information:

(a) The name of the person who authorized the packing of the plums and fresh prunes or the name under which he is engaged in business.

(b) A sufficiently explicit address to permit ready location of such person.

(c) The name of the variety of plums or fresh prunes, if known, and if not known, the words "unknown variety."

(d) A designation indicating the size of the plums or fresh prunes in the container as follows:

(1) When packed in the four-basket crate, the description of the arrangement of the pack in the top layer of the baskets.

(2) When wrapped and packed throughout in a straight side container, or when packed without wrappers, in molded forms, cups, or similar packing devices, the count.

(3) When packed without wrappers throughout the container or by the "face and fill" method, in any container other than the four-basket crate and the "round stave" baskets, the "row count" directly followed by the word "row," "rows" or the letter "R" all in like-size type, or the numerical description.

(4) When loose in any closed container other than "round stave" baskets, the numerical description.

"Row count" shall mean the number of rows of plums or fresh prunes packed laterally across the end of the container.

"Numerical description" shall mean the numerical arrangement which the plums and fresh prunes would pack in the top layer of a basket if packed in the standard four-basket crate and the designations shall indicate the minimum diameters as follows:

"4 x 4 size" means $1\frac{11}{16}$ inches minimum diameter
"4 x 5 size" means $1\frac{9}{16}$ inches minimum diameter
"5 x 5 size" means $1\frac{7}{16}$ inches minimum diameter
"5 x 6 size" means $1\frac{5}{16}$ inches minimum diameter
"6 x 6 size" means $1\frac{3}{16}$ inches minimum diameter

Other sizes, larger or smaller than the numerical descriptions defined herein shall have proportionate minimum diameter requirements.

The "minimum diameter" shall mean the smallest diameter measured through the center of the plum or fresh prune at a right angle to a straight line drawn from the stem end to the distal end thereof.

When the numerical description is used to designate the contents of a container the plums or fresh prunes therein shall conform to the minimum diameter requirements for the numerical description marked on the container.

When the actual count is used to designate the contents of the container, a variation of four plums or fresh prunes more or less than the number stated shall be allowed.

Plums and fresh prunes shall be in standard containers numbers 1, 1A, 5, 6, 7, 8, 9, 9C, 12A, 12B, 14, 15, 16, 17, 18A, 22B, 22D, 23, 24, 25, 26 or 27.

Container number 23 shall be standard for plums and fresh prunes only when such fruits are wrapped and packed throughout the container.

Container number 25 shall be standard for plums and fresh prunes only when used with a three-eighths-inch cleat or an eleven-sixteenths-inch cleat regardless of any other provision of Section 828.85.

Container number 25 may be used without a cleat or with any cleat other than those provided for in this section and other size containers than those provided in this section may be used if conspicuously marked on the outside of the end which bears any marks intended to describe the contents of such containers, in letters not less than one-half inch in height, "irregular container."

SEC. 3. Section 803 of the Agricultural Code as proposed to be amended by Senate Bill 1253 of the 1963 Regular Session is amended to read:

803. Fresh peaches shall be mature but not overripe; free from insect injury which has penetrated or damaged the flesh,

split pits which are open at the stem end, and from mold, brown rot, and decay, and free from serious damage, due to cuts or skin breaks, growth cracks, bruises, scab, rust, blight, disease, hail, or other causes. Damage to any one peach is not serious unless it causes a waste of 10 percent, by weight, of the individual peach.

Not more than 10 percent, by count, of the peaches in any one container or bulk lot may be below these requirements, but not to exceed one-half of this tolerance shall be allowed for any one cause; provided, however, that individual containers in any lot may contain not more than 1½ times the tolerances specified if the percentage of defects in the entire lot averages within the tolerances.

Packed peaches shall not vary in size between the fruits, in any one container, more than three-eighths of an inch in diameter, when measured through the widest portion of the cross section.

Peaches of the freestone variety shall not be considered mature unless at the time of picking, the flesh breaks free from the pit. In addition the flesh of peaches of the Elberta variety shall be a yellowish color.

All containers of fresh peaches shall bear upon them in plain sight and in plain letters on one outside end: the name of the person who first authorized the packing of the peaches or the name under which such packer is engaged in business, together with a sufficiently explicit address to permit ready location of such packer; the name of the variety, if known, and when not known the words "unknown variety"; the size description, when the peaches are packed in the four-basket crate, or the count when wrapped and packed throughout, in straight side containers in uniform layers and rows.

In the case of the four-basket crate the numerical description of the pack in the top layer of the baskets shall be used to designate size. When the count is used to designate the contents of the container a variation of four peaches more or less than the number stated shall be allowed.

SEC. 4. Section 806 of the Agricultural Code as proposed to be amended by Senate Bill 1253 of the 1963 Regular Session is amended to read:

806. Plums and fresh prunes shall be mature but not overripe, shall be free from insect injury which has penetrated or damaged the flesh, and from unsealed skin breaks or cuts, mold, brown rot, decay, and free from serious damage due to bruises, growth cracks, sunburn, hail, doubles, insects, internal growth cracks, cavities, gum spots or other causes.

Damage to any one plum or fresh prune is serious if it is caused by:

(a) Bruises which affect the flesh more than three-sixteenths of an inch in depth or more than an aggregate surface area of one-half of an inch in diameter.

(b) Growth cracks over one-half of an inch in length or over three-sixteenths of an inch in depth.

(c) Sunburn affecting the flesh.

(d) Hail resulting in one or more depressions over three-sixteenths of an inch in depth or affecting more than an aggregate surface area of one-half of an inch in diameter.

(e) Doubles, when one portion is one-fourth or less in size than the other portion of the plum or fresh prune.

(f) Thrip marks or other similar insect injury when 15 percent or more of the surface of the plum or fresh prune is affected or causing one or more depressions or raised portions (bumps or welts) one-fourth of an inch or more in depth or height.

(g) Internal growth cracks, cavities, or gum spots when they cause the plum to be seriously malformed.

Not more than 10 percent, by count, of the plums or fresh prunes in any one container or bulk lot may be below these requirements, but not to exceed one-half of this tolerance shall be allowed for any one cause; provided, however, that individual containers in any lot may contain not more than $1\frac{1}{2}$ times the tolerances specified if the percentage of defects in the entire lot averages within the tolerances.

An additional tolerance of 10 percent, by count, of the plums or fresh prunes in any one container or bulk lot shall be permitted for plums or fresh prunes damaged by hail, providing that:

(1) In the case of plums or fresh prunes having a minimum diameter of $1\frac{7}{16}$ inches or larger, the hail damage on each individual plum or fresh prune, permitted in said additional tolerance, does not exceed a depth which is three-sixteenths of the minimum diameter of the plum or fresh prune, or an aggregate surface area with a diameter equal to one-half of the minimum diameter of the plum or fresh prune; or

(2) In the case of plums or fresh prunes having a minimum diameter of less than $1\frac{7}{16}$ inches, the hail damage on each individual plum or fresh prune, permitted in said additional tolerance, does not exceed a depth of one-quarter of an inch or an aggregate surface area of eleven-sixteenths of an inch in diameter; and

(3) The containers in which they are placed or packed are plainly and conspicuously marked, on the outside end of each container on which appears the other required markings, in letters not less than one-half inch in height, with the words "Hail Marked" or when in bulk lots they are conspicuously placarded "Hail Marked."

Plums and fresh prunes shall not vary in size between the fruits, in any one container, more than one-fourth of an inch in diameter when measured through the widest portion of cross section.

All containers of plums and fresh prunes, shall bear upon them in plain sight and in plain letters on one outside end all of the following information:

(a) The name of the person who authorized the packing of the plums and fresh prunes or the name under which he is engaged in business.

(b) A sufficiently explicit address to permit ready location of such person.

(c) The name of the variety of plums or fresh prunes, if known, and if not known, the words "unknown variety."

(d) A designation indicating the size of the plums or fresh prunes in the container as follows:

(1) When packed in the four-basket crate, the description of the arrangement of the pack in the top layer of the baskets.

(2) When wrapped and packed throughout in a straight side container, the count.

(3) When packed without wrappers throughout the container or by the "face and fill" method, in any container other than the four-basket crate and the "round stave" baskets, the "row count" directly followed by the word "row," "rows" or the letter "R" all in like size type, or the numerical description.

(4) When loose in any closed container other than "round stave" baskets, the numerical description.

"Row count" shall mean the number of rows of plums or fresh prunes packed laterally across the end of the container.

"Numerical description" shall mean the numerical arrangement which the plums and fresh prunes would pack in the top layer of a basket if packed in the standard four-basket crate and the designations shall indicate the minimum diameters as follows:

"4 x 4 size" means $1\frac{11}{16}$ inches minimum diameter
"4 x 5 size" means $1\frac{9}{16}$ inches minimum diameter
"5 x 5 size" means $1\frac{7}{16}$ inches minimum diameter
"5 x 6 size" means $1\frac{5}{16}$ inches minimum diameter
"6 x 6 size" means $1\frac{3}{16}$ inches minimum diameter

Other sizes, larger or smaller than the numerical descriptions defined herein shall have proportionate minimum diameter requirements.

The "minimum diameter" shall mean the smallest diameter measured through the center of the plum or fresh prune at a right angle to a straight line drawn from the stem end to the distal end thereof.

When the numerical description is used to designate the contents of a container the plums or fresh prunes therein shall conform to the minimum diameter requirements for the numerical description marked on the container.

When the actual count is used to designate the contents of the container, a variation of four plums or fresh prunes more or less than the number stated shall be allowed.

SEC. 5. Sections 3 and 4 of this act shall become operative on January 1, 1964, and only if Senate Bill No. 1253 is enacted by the Legislature at its 1963 Regular Session, and in such case Sections 1 and 2 of this act are repealed, such repeal to be operative January 1, 1964.

SEC. 6. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

That application of tolerances to individual lots instead of individual containers will improve efficiency in grading and packing operations, will prevent loss and deterioration of fruit now resulting from repeated inspection and resorting and will bring the law into conformance with U S. grades. With the harvesting season at hand it must take effect as soon as possible to avoid losses to growers and deterioration of food.

CHAPTER 1054

An act to amend Section 9005 of the Fish and Game Code, relating to fish traps, and declaring the urgency thereof, in effect immediately.

[Approved by Governor June 28, 1963. Filed with Secretary of State June 29, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 9005 of the Fish and Game Code is amended to read:

9005. Traps not to exceed 12 inches in breadth, 12 inches in height, and 36 inches in greatest length with entrance at small ends of funnels or fykes not to exceed 3 inches in circumference may be used in tidewaters of Districts 3½, 4, 4⅛, 4¾, 15, 16, 17, and 21, that portion of District 10 south of the City of San Francisco, and in Salton Sea, Imperial and Riverside Counties, to take mudsuckers and California killifish (Fundulus parvipinnis) only.

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

If the benefits of this act are to be available during the 1963 fishing season it must take effect immediately.

CHAPTER 1055

An act to repeal and add Chapter 4 (commencing with Section 1600), Division 2 of the Health and Safety Code, relating to biologics.

[Approved by Governor June 28, 1963. Filed with Secretary of State June 29, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 4 (commencing with Section 1600) of Division 2 of the Health and Safety Code is repealed.

SEC. 2. Chapter 4 (commencing with Section 1600) is added to Division 2 of said code, to read:

CHAPTER 4. HUMAN WHOLE BLOOD, HUMAN WHOLE BLOOD DERIVATIVES, AND OTHER BIOLOGICS

Article 1. Definitions

1600. Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.

1600.1 "Biologics" includes the following products which are offered for sale or distribution for the prevention or treatment of disease:

(a) Human whole blood.

(b) Human whole blood derivatives specified by regulations.

(c) Serum, vaccine, live vaccine, killed vaccine, tissue vaccine, autogenous vaccine, live virus, killed virus, live bacterial culture, killed bacterial culture, bacterin, hormone, tissue extract, gland extract, gland preparation, insulin, and similar products made from human or animal tissues or micro-organisms.

1600.2 "Blood bank" means any place where human whole blood, and human whole blood derivatives specified by regulation, are collected, prepared, tested, processed, or stored, or from which human whole blood or human whole blood derivatives specified by regulation are distributed.

1600.3. "Blood bank depository" means any place other than a blood bank where human whole blood and human whole blood derivatives specified by regulation are stored and held for transfusion. Such blood bank depositories shall be clinical laboratories, licensed in accordance with the provisions of Chapter 3 (commencing with Section 1200), Division 2 of the Business and Professions Code, or such other places where services essentially equivalent are maintained, as determined by the department.

1600.4. "Distribution" includes sale and exchange.

1600.5. "Production" includes collection, preparation, testing, processing, storage, and distribution of biologics under a license issued by the department.

1600.6. "Department" means the State Department of Public Health.

Article 2. Human Whole Blood and Human Whole Blood Derivatives

1601. No person shall engage in the production of human whole blood unless duly licensed under the provisions of this chapter, except that persons licensed by the Public Health Service, United States Department of Health, Education and Welfare, need not be licensed under the provisions of this Chapter until January 1, 1964.

1602. No person shall engage in the production of human whole blood derivatives unless duly licensed under the provisions of this chapter, or by the Public Health Service, United States Department of Health, Education, and Welfare.

1603. The department shall make regulations governing the procedures used in blood banks in the production of human whole blood and human whole blood derivatives. Such regulations shall include minimum standards for all of the following:

(a) Equipment.

(b) Methods.

(c) Personnel qualifications.

(d) Such additional requirements, not inconsistent with this chapter, as may be necessary to carry out the provisions of this chapter.

1604. The distribution or release for distribution by blood banks of human whole blood, or those human whole blood derivatives specified by regulation, shall be made only to blood bank depositories or to other licensed blood banks.

1605. Establishments which receive human whole blood and human whole blood derivatives specified by regulation and are not subject to license in accordance with this chapter shall be considered as blood bank depositories. Laboratory tests and other procedures with respect to the preparation of blood for transfusion shall be the sole responsibility of the blood bank depository.

1606. The procurement, processing, distribution, or use of whole blood, plasma, blood products, and blood derivatives for the purpose of injecting or transfusing the same, or any of them, into the human body shall be construed to be, and is declared to be, for all purposes whatsoever, the rendition of a service by each and every person, firm, or corporation participating therein, and shall not be construed to be, and is declared not to be, a sale of such whole blood, plasma, blood products, or blood derivatives, for any purpose or purposes whatsoever.

1607. Notwithstanding any other provision of law, licensed clinical laboratory bioanalysts, licensed clinical laboratory technologists, registered clinical laboratory technologist trainees, and registered nurses may perform skin puncture and venipuncture for the purposes of collecting human whole

blood, provided that (1) such acts are performed in a blood bank licensed pursuant to this chapter, and (2) the acts are performed under the direct and responsible supervision of a licensed physician and surgeon. The licensing and registration referred to in this section shall be licensing and registration pursuant to the Business and Professions Code.

Nothing in this chapter shall prohibit the collection of blood at a state institution or other establishment, under conditions established and acceptable to the department, by the personnel of the institution.

1608. This chapter does not repeal or in any manner affect any provision of the Business and Professions Code relating to the practice of medicine.

Article 3. Biologics Other Than Human Whole Blood and Human Whole Blood Derivatives

1609. No person shall engage in the production of biologics other than human whole blood and human whole blood derivatives unless:

(a) In a laboratory licensed by the Public Health Service, United States Department of Health, Education and Welfare.

(b) In a laboratory licensed by the Animal Inspection and Quarantine Branch, Agricultural Research Service, United States Department of Agriculture.

(c) Under the provisions of this chapter.

1610. The department shall make rules and regulations governing the production of all biologics produced in establishments under subdivision (c) of Section 1609.

1611. The department may make rules and regulations governing the transportation or distribution of cultures of micro-organisms which may produce disease in man or animals.

Article 4. Licenses

1612. No person shall engage in the production of biologics as defined in this chapter except,

(a) Under license as provided in this chapter, or

(b) As exempted in Articles 2 (commencing with Section 1601) and 3 (commencing with Section 1609) of this chapter.

1613. Applications for licenses shall be made upon forms issued by the department. Such applications shall contain at least the following:

(a) The name and address of the person owning the place, establishment, or institution in which biologics production is planned.

(b) The name and address of the person to be in charge of biologics production.

(c) The types of biologics to be produced.

(d) A full description of the building, its location, facilities, equipment, and apparatus to be used in biologics production.

(e) Such additional information as the department may require.

1614. If the department does not within 60 days after the filing of the application issue a permit, it shall state the grounds and reasons for its refusal in writing, serving a copy upon the applicant.

The notice may be served by registered mail addressed to the applicant at his last known address.

1615. (a) A license shall be automatically revoked when there is a change of address, ownership, or person in charge of biologics production. However, a new license may be secured for the new location, owner, or person in charge prior to the actual change, provided the contemplated change is in compliance with all the provisions of this chapter, and regulations pertaining thereto.

(b)) Proceedings for denial of license shall be conducted in accordance with Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code.

Article 5. Revenue

1616. The amount of the application and license fee and renewal fees under this chapter shall be as follows:

(a) The application fee shall be thirty dollars ($30), which also shall be the license fee for the first year or portion thereof ending December 31st, and for the succeeding year.

(b) The biennial renewal fee shall be fixed by the department at not more than thirty dollars ($30), nor less than ten dollars ($10), provided, however, that when the applicant is a city, county, city and county, district, or official thereof, no fee shall be required

(c) Licenses shall be renewed every other year. The biennial renewal fee shall be paid on or before the first day of January of the year when due. Failure to pay the biennial fee in advance during the time the license remains in force shall, ipso facto, work a forfeiture of the license after a period of 60 days from the first day of January of the year when due. The department shall give written notice to a licensee 30 days in advance of the regular renewal date.

(d) The department shall fix reasonable charges when necessary for analyzing and testing the products of a licensee.

Article 6. Enforcement

1617. The department shall administer the provisions of this chapter.

1618 (a) Licenses shall be suspended or revoked by the department for the violation of any provision of this chapter, or of any rule or regulation made by the department under authority conferred by this chapter. The proceedings shall be conducted in accordance with Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government

Code, and the department shall have all the powers granted therein.

(b) Licenses may be denied for any reason applicable to revocation and suspension of licenses

(c) District and city attorneys shall prosecute violations of this chapter upon evidence of violations within their respective jurisdictions submitted by the department.

1619. Nothing in this chapter shall be considered to be in conflict with Chapter 2 (commencing with Section 26200), Division 21 of this code and all provisions of such chapter shall apply to biologics within the meaning of this chapter, except that the provisions of such chapter shall not apply to products of:

(a) A laboratory licensed by the Public Health Service, United States Department of Health, Education and Welfare.

(b) A laboratory licensed by the Animal Inspection and Quarantine Branch, Agricultural Research Service, United States Department of Agriculture.

1620. The violation of any provision of this chapter is a misdemeanor punishable by a fine of not less than fifty dollars ($50) nor more than five hundred dollars ($500), or by imprisonment for not more than 30 days, or by both.

CHAPTER 1056

An act to repeal Sections 20750.15, 20750.25, 20750.35, and 20750.45 of, and to amend Sections 20750.1, 20750.2, 20750.3, 20750.4, 21251.1 and 21253 of, the Government Code, relating to the State Employees' Retirement System, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 28, 1963 Filed with Secretary of State June 29, 1963]

The people of the State of California do enact as follows:

SECTION 1. Section 20750.15 of the Government Code is repealed.

SEC. 2. Section 20750 25 of said code is repealed.

SEC. 3. Section 20750 35 of said code is repealed.

SEC. 4. Section 20750 45 of said code is repealed.

SEC. 5. Section 20750 1 of said code is amended to read:

20750.1. The State's contribution to the Retirement Fund in respect to state miscellaneous members is a sum equal to 6.71 percent of the compensation paid state miscellaneous members.

SEC. 6. Section 20750 2 of said code is amended to read:

20750.2. The State's contribution to the Retirement Fund in respect to state patrol members is a sum equal to 11 82 percent of the compensation paid state patrol members.

SEC. 7. Section 20750.3 of said code is amended to read:

20750.3. The State's contribution to the Retirement Fund in respect to forestry members is a sum equal to 10.88 percent of the compensation paid forestry members.

SEC. 8. Section 20750 4 of said code is amended to read:

20750 4. The State's contribution to the Retirement Fund in respect to warden members is a sum equal to 19.03 percent of the compensation paid warden members.

SEC. 9. Section 21251.1 of said code is amended to read:

21251.1. The current service pension for a state miscellaneous member, for a prison member, or for a local miscellaneous member who is an employee of a contracting agency which is subject to the provisions of this section, is a pension derived from the contributions of the State, or of the contracting agency, sufficient, when added to the service retirement annuity that is derived from the accumulated normal contributions of the member at the date of his retirement, to equal the fraction of one-sixtieth of his final compensation set forth opposite his age at retirement, taken to the preceding completed quarter year, in the following table in the column applicable to his sex, multiplied by the number of years of current service except service in a category of membership other than that of a state miscellaneous member, prison member, or local miscellaneous member, with which he is entitled to be credited at retirement:

Age of retirement	Fraction	
	Men	Women
55	.705869	.727366
55¼	.718126	.738872
55½	.730382	.750377
55¾	.742639	.761882
56	.754896	.773388
56¼	.768245	.785846
56½	.781594	.798303
56¾	.794942	.810760
57	.808291	.823218
57¼	.822857	.836730
57½	.837422	.850243
57¾	.851988	.863756
58	.866554	.877268
58¼	.882472	.891957
58½	.898391	.906646
58¾	.914310	.921334
59	.930228	936023
59¼	.947671	.952017
59½	.965114	.968012
59¾	.982557	.984006
60	1.000000	1 000000
60¼	1 016252	1.016109
60½	1.032504	1 032218
60¾	1.048757	1.048327

Age of retirement	Fraction Men	Women
61	1.065009	1.064437
61¼	1.081989	1.081300
61½	1.098969	1.098163
61¾	1.115949	1.115026
62	1.132929	1.131890
62¼	1.150810	1.149654
62½	1.168690	1.167418
62¾	1.186571	1.185183
63	1.204452	1.202947
63¼	1.223090	1.221462
63½	1.241727	1.239976
63¾	1.260364	1.258491
64	1.279002	1.277006
64¼	1.299477	1.297302
64½	1.319652	1.317599
64¾	1.340427	1.337896
65 and over	1.360902	1.358192

The fractions herein set forth at ages other than age 60 are based on the interest rate and mortality tables used under the State Employees' Retirement System with respect to state miscellaneous members on July 1, 1962 and shall be adjusted by the board in accordance with such interest and mortality tables as the board may adopt with respect to such members.

This section shall not apply to any contracting agency nor to the employees of any contracting agency unless and until the agency elects to be subject to the provisions of this section by amendments to its contract made in the manner prescribed for approval of contracts, except that an election among the employees is not required, or, in the case of contracts made after the date this section takes effect, by express provision in such contract making the contracting agency subject to the provisions of this section.

SEC. 10. Section 21253 of said code is amended to read:

21253. The prior service pension for a state miscellaneous member, or for a local miscellaneous member who is an employee of a contracting agency which is subject to the provisions of this section, is an annual pension derived from the contributions of the State, or of the contracting agency, equal to the sum of the following:

(a) The fraction of one-sixtieth of his final compensation set forth opposite his age at retirement, taken to the preceding completed quarter year, in the following table in the column applicable to his sex, multiplied by the number of years of prior service, except service in a category of membership other than that of a state miscellaneous, local miscellaneous or prison member, with which he is entitled to be credited at retirement:

Age of retirement	Fraction	
	Men	Women
55	.677992	.716471
55¼	.691064	.728294
55½	.704137	.740116
55¾	.717210	.751938
56	.730282	.763761
56¼	.744680	.776627
56½	.759079	.789492
56¾	.773478	.802358
57	.787876	.815224
57¼	.803776	.829256
57½	.819676	.843288
57¾	.835577	.857321
58	.851477	.871353
58¼	.869076	.886698
58½	.886676	.902042
58¾	.904275	.917386
59	.921874	.932731
59¼	.941406	.949548
59½	.960937	.966366
59¾	.980468	.983183
60	1.000000	1.000000
60¼	1.016573	1.016429
60½	1.033146	1.032858
60¾	1 049718	1.049288
61	1.066291	1.065717
61¼	1.084226	1.083534
61½	1.102160	1.101351
61¾	1.120094	1.119168
62	1.138029	1.136985
62¼	1.157496	1.156333
62½	1.176962	1.175680
62¾	1.196428	1.195028
63	1.215895	1 214376
63¼	1.237055	1.235409
63½	1.258216	1.256442
63¾	1.279376	1.277474
64	1.300536	1.298507
64¼	1.323622	1.321406
64½	1.346707	1.344306
64¾	1.369792	1.367206
65 and over	1.392878	1.390105

The fractions herein set forth at ages other than age 60 are based on the interest rate and mortality tables used under the State Employees' Retirement System with respect to state miscellaneous members on July 1, 1962, and shall be adjusted by the board in accordance with such interest and mortality tables as the board may adopt with respect to such members.

(b) In respect to prior service consisting of service other than as a state miscellaneous, local miscellaneous or prison member, the pension computed pursuant to the provisions for computation of prior service of members of the category in which the prior service was rendered.

This section shall not apply to any contracting agency nor to the employees of any contracting agency unless and until the agency elects to be subject to the provisions of this section by amendment to its contract made in the manner prescribed for approval of contracts, except that an election among the employees is not required, or, in the case of contracts made after the date this section takes effect, by express provision in such contract making the contracting agency subject to the provisions of this section.

SEC. 11. This act shall become operative on July 1, 1963.

SEC. 12. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The actuarial valuation conducted by the board of administration for the period ending July 1, 1961, discloses an experience under the system requiring adjustment in the State's rate of contribution to the State Employees' Retirement Fund. In order that the adjusted rates may be placed in effect July 1, 1963, it is necessary that this act take effect immediately.

CHAPTER 1057

An act to amend Sections 13197.1, 13197.15, 13197.2, and 13197.25 of the Education Code, relating to school credentials, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 28, 1963. Filed with Secretary of State June 29, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 13197.1 of the Education Code is amended to read:

13197.1. The minimum requirements for the standard supervision credential shall be all of the following, except that for the purposes of supervision of trade and industrial education and of trade and industrial schools, the State Board of Education may by rule establish the total education required as other than that required in subdivision (a) and (c) below:

(a) Six (6) years, or its equivalent, of college or university education including (1) a baccalaureate or higher degree from an institution approved by the State Board of Education and (2) two years of acceptable postgraduate education in a

college or university approved by the State Board of Education.

(b) When the credential specified in (c) authorizes the holder to serve as a teacher, five years of successful teaching experience in the public elementary or secondary schools, or in private schools of equivalent status. When the credential specified in (c) authorizes the holder to perform a health, pupil personnel, or library service, five years of successful experience in that service in the foregoing schools, or five years of any combination of such teaching and service. Teaching or service performed under a credential authorizing teaching or service as a part of an internship program approved by the State Board of Education shall be accepted toward meeting this requirement.

(c) The possession of a valid credential issued or renewed by the State Board of Education authorizing teaching or service in the public schools, with the following exceptions: a credential issued upon less than complete fulfillment of requirements, a designated subjects teaching credential issued pursuant to Section 13197.5, an exchange credential, a limited credential, and a provisional credential.

(d) Such additional requirements as may be prescribed by the State Board of Education. Such additional requirements shall be prescribed by the board on or before July 1, 1963

SEC 2. Section 13197.15 of said code is amended to read:

13197.15. The standard supervision credential shall authorize the holder to serve as a supervisor, consultant, co-ordinator or equivalent supervisorial or intermediate administrative position at all grade levels and in all areas his credential, as specified in subdivision (c) of Section 13197.1, authorizes him to teach or serve.

The standard supervision credential (except such a credential issued upon less than complete fulfillment of requirements, or issued as an exchange, limited, or provisional credential) shall also authorize the holder to serve as a principal of any school in which he is authorized to teach, if he meets the requirements of one of the following subdivisions:

(a) When the credential held in fulfillment of subdivision (c) of Section 13197.1 is a standard teaching credential with a specialization in elementary teaching or a general elementary credential, and his college or university preparation included either a major (defined by the State Board of Education pursuant to Section 13189) in an academic subject matter area or a diversified major established pursuant to Section 13189.

(b) When the credential held in fulfillment of subdivision (c) of Section 13197.1 is a standard teaching credential with a specialization in secondary teaching or a general secondary credential, and his college or university preparation included a major (defined by the State Board of Education pursuant to Section 13191) in an academic subject matter area.

(c) When the credential held in fulfillment of subdivision (c) of Section 13197.1 is a standard teaching credential with

a specialization in junior college teaching or a junior college credential, and his college or university preparation included a major (defined by the State Board of Education pursuant to Section 13193) in an academic subject matter area.

SEC. 3. Section 13197.2 of said code is amended to read:

13197.2. The minimum requirements for the standard administration credential shall be all of the following:

(a) Seven (7) years, or its equivalent, of college or university education which shall include all of the following:

(1) A baccalaureate or higher degree from an institution approved by the State Board of Education.

(2) Three (3) years of acceptable postgraduate education in a college or university approved by the State Board of Education.

(3) An approved undergraduate or graduate major as follows: when the credential specified in subdivision (b) is a standard teaching credential with a specialization in elementary teaching or a general elementary credential, a major (defined by the State Board of Education pursuant to Section 13189) in an academic subject matter area; when the credential specified in subdivision (b) is a standard teaching credential with a specialization in secondary teaching or a general secondary credential, a major (defined by the State Board of Education pursuant to Section 13191) in an academic subject matter area; when the credential specified in subdivision (b) is a standard teaching credential with a specialization in junior college teaching or a junior college credential, a major (defined by the State Board of Education pursuant to Section 13193) in an academic subject matter area.

(b) The possession of a valid standard teaching credential with a specialization in elementary teaching, secondary teaching, or junior college teaching; or a general elementary credential, a general secondary credential, or a junior college credential. An exchange credential, a limited credential, a provisional credential, or a credential issued upon other than completion of requirements does not fulfill this requirement.

(c) A minimum of five (5) years of successful full-time classroom teaching experience in the public elementary or secondary schools, or in private schools of equivalent status. Teaching performed under a credential authorizing teaching as a part of an internship program approved by the State Board of Education shall be accepted toward meeting this requirement.

(d) Such additional requirements as may be prescribed by the State Board of Education. Such additional requirements shall be prescribed by the board on or before July 1, 1963.

SEC. 4. Section 13197.25 of said code is amended to read:

13197.25. The standard administration credential shall authorize the holder to serve as a superintendent, associate superintendent, deputy superintendent, assistant superintendent, or in an equivalent or intermediate level administrative position.

The standard administration credential shall also authorize the holder to serve as a principal and supervisor at all grade levels.

SEC. 5. This act shall become operative on January 1, 1964. The State Board of Education, however, shall have the authority to adopt regulations specified in this act on or after the effective date, as distinguished from the operative date, of this act.

SEC 6. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The operative date of the Licensing of Certificated Personnel Law of 1961 is imminent. This act, among other things, modifies the provision for experience necessary for the supervision credential described in such licensing law. In order that regulations required to be enacted by July 1, 1963, may relate to such modified requirement, it is necessary that this act take effect immediately.

CHAPTER 1058

An act to amend Sections 5353 and 5354 of the Education Code, relating to elementary school diplomas, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 28, 1963. Filed with Secretary of State June 29, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 5353 of the Education Code is amended to read:

5353. The diplomas of graduation from elementary schools shall be conferred only upon the pupils who have completed the course of study prescribed.

SEC. 2. Section 5354 of said code is amended to read:

5354. Elementary school diplomas granted by the governing board of a school district may be on blanks furnished by the Superintendent of Public Instruction or on forms provided by the district, which shall be subject to the approval of the Superintendent of Public Instruction. All diplomas shall be signed by a majority of the members of the board or its designated representative. Facsimile signatures or signature stamps may be used for this purpose.

SEC. 3. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

This bill would authorize city and unified school districts to grant elementary school diplomas based on completion of the district elementary course as well as the county course of study and on forms provided by the district as well as the Superintendent of Public Instruction, and would authorize the use of facsimile signatures by governing board members or designated representatives. In order that these changes may be effective for the 1962-63 school year it is necessary that this act take effect immediately.

CHAPTER 1059

An act to add Part 7 (commencing with Section 5950) to Division 2 of the Water Code, relating to the Oregon-California Goose Lake Interstate Compact, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 28, 1963 Filed with Secretary of State June 29, 1963]

The people of the State of California do enact as follows:

SECTION 1. Part 7 (commencing with Section 5950) is added to Division 2 of the Water Code, to read:

PART 7. OREGON-CALIFORNIA GOOSE LAKE INTERSTATE COMPACT

5950. The Legislature of the State of California hereby ratifies the Oregon-California Goose Lake Interstate Compact as set forth in Section 5951. The provisions of the compact shall become the law of this State upon the compact becoming operative as provided in Article VII of the compact.

5951. The provisions of the Oregon-California Goose Lake Interstate Compact are as follows:

ARTICLE I. PURPOSES

The major purposes of this compact are:

A. To facilitate and promote the orderly, integrated and comprehensive development, use, conservation and control of the water resources of Goose Lake Basin.

B. To further intergovernmental cooperation and comity and to remove the causes of present and future controversies by (1) providing for continued development of the water resources of Goose Lake Basin by the States of California and Oregon, and (2) prohibiting the export of water from Goose Lake Basin without consent of the legislatures of California and Oregon.

ARTICLE II. DEFINITION OF TERMS

As used in this compact:

A. "Goose Lake Basin" shall mean the drainage area of Goose Lake within the States of California and Oregon and all closed basins included in the Goose Lake drainage basin as delineated on the official map of the Goose Lake Basin which is attached to and made a part of this compact.

B. "Person" shall mean the States of Oregon and California, any individual and any other entity, public or private.

C. "Water," "waters" or "water resources" shall mean any water appearing on the surface of the ground in streams, lakes, or otherwise, and any water beneath the land surface or beneath the bed of any stream, lake, reservoir or other body of surface water within the boundaries of Goose Lake Basin.

ARTICLE III. DISTRIBUTION AND USE OF WATER

A. There are hereby recognized vested rights to the use of waters originating in Goose Lake Basin existing as of the effective date of this compact and established under the laws of California and Oregon.

B. Except as provided in this article, this compact shall not be construed as affecting or interfering with appropriation under the laws of California and Oregon of unappropriated waters of Goose Lake Basin for use within the basin.

C. Export of water from Goose Lake Basin for use outside the basin without prior consent of both state legislatures is prohibited.

D. Each state hereby grants the right for a person to construct and operate facilities for the measurement, diversion, storage and conveyance of water from the Goose Lake Basin in one state for use within the basin in the other state, providing the right to such use is secured by appropriation under the general laws administered by the State Engineer of the State of Oregon or the Water Rights Board of California and the laws of the state from which the water is to be taken shall control.

E. Should any facilities be constructed in one state to implement use of water in the other state, the construction, operation, repairs and replacement of such facilities shall be subject to the laws of the state in which the facilities are constructed.

ARTICLE IV. ADMINISTRATION

No commission or administrative body is necessary to administer this compact.

ARTICLE V. TERMINATION

This compact may be terminated at any time by consent of the legislatures of California and Oregon and upon such

termination all rights then established hereunder shall continue unimpaired.

ARTICLE VI. GENERAL PROVISIONS

Nothing in this compact shall be construed to limit, or prevent any state from instituting or maintaining any action or proceeding, legal or equitable, in any court having jurisdiction thereof for the protection of any right under this compact or the enforcement of any of its provisions.

ARTICLE VII. RATIFICATION

A. This compact shall become operative when ratified by the legislatures of California and Oregon and consented to by the Congress of the United States.

B. This compact shall remain in full force and effect until amended in the same manner as is required for it to be ratified to become operative or until terminated.

C. A copy of any proposed amendments to or termination of this compact shall be filed with the Board of Supervisors of Modoc County, California, and the County Court of Lake County, Oregon, at least 30 days prior to any legislative consideration by the legislatures of the States of California and Oregon.

ARTICLE VIII. FEDERAL RIGHTS

Nothing in this compact shall be deemed:

A. To impair or affect the existing rights or powers of the United States of America, its agencies, or instrumentalities, in and to the use of the waters of the Goose Lake Basin nor its capacity to acquire rights in and to the use of said waters.

B. To subject any property of the United States of America, its agencies or instrumentalities, to taxation by any state or subdivision thereof, nor to create an obligation on the part of the United States of America, its agencies or instrumentalities by reason of the acquisition, construction or operation of any property or works of whatsoever kind, to make any payments to any state or political subdivision thereof, state agency, municipality or entity, whatsoever in reimbursement for the loss of taxes.

C. To subject any property of the United States of America, its agencies or instrumentalities, to the laws of any state to any extent other than the extent to which these laws would apply without regard to the compact.

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The Oregon-California Goose Lake Interstate Compact will facilitate and promote the orderly, integrated, and compre-

hensive development, use, conservation, and control of the water resources of Goose Lake Basin and will further intergovernmental co-operation and comity and remove the causes of present and future controversies. There is presently pending in the Legislative Assembly of the State of Oregon an urgency measure to ratify this compact. In order that both states may ratify the compact at the earliest possible time and seek ratification of the compact by Congress at its current session, it is necessary that this act go into immediate effect.

CHAPTER 1060

An act to add Section 37201 to the Water Code, relating to California water districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 28, 1963. Filed with Secretary of State June 29, 1963.]

The people of the State of California do enact as follows:

SECTION 1. Section 37201 is added to the Water Code, to read:

37201. Notwithstanding the provisions of Section 37206, any California water district organized pursuant to this division, which organization was completed prior to the effective date of this section, shall have until the first day of July, 1963, in which to adopt a resolution and file with the auditor, assessor, tax collector and treasurer of the county within which the district is located the resolution provided for by Section 37203 of this code.

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution, and shall go into immediate effect. The facts constituting such necessity are:

Recent unforeseen developments in the efforts to solve the problems of the importation of sufficient waters to the southern San Joaquin Valley have made the formation of California water districts imperative, and legislation has been adopted by this session of the Legislature permitting the taxation by such districts pursuant to Part 7.5 (commencing with Section 37200) of Division 13 of the Water Code. The tax revenue is essential to these districts in order to be in a position to contract with the Kern County Water Agency and the State of California for supplementary water by December of 1963.